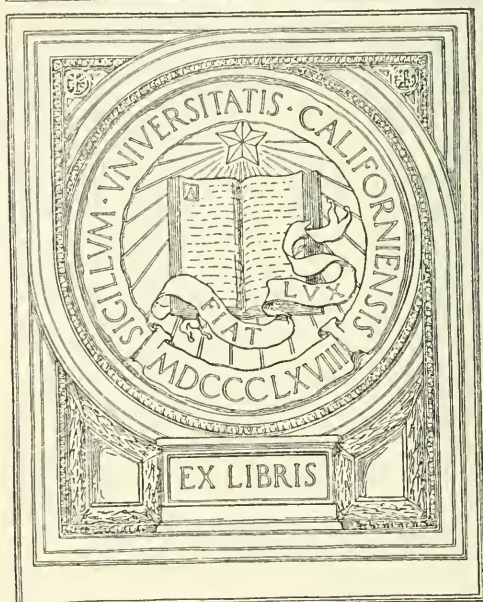


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Popular Government

A NEW AND SIMPLE PLAN

FOR

MAKING OURS EFFECTIVELY A GOVERNMENT "OF THE
PEOPLE, BY THE PEOPLE, AND FOR THE PEOPLE;"
PRACTICAL IMPROVEMENTS FOR HOLDING
CONSTANTLY DETERMINED WHO
ARE THE PEOPLE ;

AND

EFFECTIVE METHODS

FOR OBTAINING LEGAL EXPRESSIONS OF THEIR BEST INTELLIGENCE,
JUDGMENT, AND WILL, IN ALL PUBLIC MATTERS.

BY JOSIAH RILEY AND W. S. ROSECRANS.

SAN FRANCISCO:

SKELTON AND COMPANY, BOOK AND LAW PRINTERS,

S. W. Cor. Montgomery and Commercial Sts.

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TO THE
PEOPLE OF THE UNITED STATES.

FELLOW CITIZENS: The following Memorial, and subjoined Act, are the result of the labors of the undersigned, and of a patriotic son of an old New England family, who for eleven years was editor and proprietor of the "Toledo" (Ohio) "Daily Commercial."

The design has been to reduce to practical form ideas of improvements in the working of our political system, which, for years, Mr. RILEY had been revolving.

To arrest existing and prevent impending evils in State and national politics, requires something more efficacious than philosophical discussions of their causes. Party—that "natural enemy of the Constitution," business preoccupations, natural resistance to change of habit, disinclination to undertake anything new, and the interests of hosts of political speculators and parasites are formidable obstacles to reform.

To overcome them requires the combined intelligence and will of all patriotic citizens. To secure this combination, by saying the most in the fewest words, it was thought best to embody the ideas in a Memorial to the State Legislature, asking the enactment of specified law, which, without interrupting regular municipal and political life, would be thoroughly and immediately effective.

The Act was first adapted for the State of Nevada, as still appears in the text.

But, to bring the formative principles it embodies as early as possible before the people of every State in the Union without waiting first to present it in Nevada, it was decided to print the Act and Memorial in a general form, adapted to the use of the people of any State who believe in the principles, and are desirous of having them carried into practice by legislation.

General and public discussion of these principles is earnestly invoked.

Objections, more or less well founded, to many details of the Act will doubtless arise. In anticipation of such it is emphatically declared that no attempt was made to attain perfection in these, either in form, diction, or substance.

The aim has been to frame the substance of a law, which, without regard to existing State constitutional and statutory provisions, would effectively carry into action the theory upon which rest all our State governments, and to leave the especial adaptations of the State laws and needful modifications to be the work of time and experience.

Respecting objections that may be hastily suggested to apparent complication and expense, under the proposed system, the undersigned earnestly conjures every citizen who loves his country to consider:

1. What and how greatly desirable are the changes it will work in our practical politics.
2. That where government rests in the will of the people, no expense needful to assure the best and most certain legal expressions of that will should be spared.

Whatever free government and good laws are worth should be freely paid.

If we are to have a government of the people, there should be no hesitation about paying all needful costs of ascertaining and keeping constantly defined who are the people; and to have ready cheap and convenient ways of eliciting legal expressions of their best intelligence, judgment and will.

3. If all the money, public and private, spent, and the time lost annually under the present system, go to secure but a shadow of the popular will, how much should be freely spent, if required, to obtain its substance, as provided for under the proposed Act.

But, under the new system, electors may perform all their duties much more effectively, at much less cost of time and money to themselves, and probably no more to the State. It is believed that the annual cost per vote will be less than one-half that now required.

4. That simply by legislative enactment, with a few consequent modifications of its existing laws, these new and beneficial methods can go into operation in any State without material change or shock to the existing course of things, and without interfering with any party organizations,

W. S. ROSECRANS,

GRAND HOTEL, SAN FRANCISCO, January, 1878.

PREFACE.

A vague uneasiness about the future of our country is creeping over the minds of our sturdiest patriots. It affects all classes throughout the Republic. We have been a nation for over a hundred years, and, every day of that century, have been singing hymns to the Goddess of Liberty; and yet there is the growing conviction of an unexpected discrepancy between the boldness of our political platforms and the feebleness of our practical results. The tree of Liberty is still magnificent; but its fruit is a little too sour.

This discrepancy shocks and benumbs the hopes of the strong, inspires ordinary minds with doubts, and takes the edge from all efforts for practical reformation in politics and government.

Nor are these doubts of the success of popular government confined to a few educated minds, or to large capitalists. Intelligent agriculturists, manufacturers, artisans, and laborers of all classes, share therein. They hear themselves called, by cajoling politicians, the "sovereign people," and know that the phrase is a mockery. They know that it ought not to be so, and yet are yearly outraged by the fact, that neither their intelligence nor will has much part in dictating our representatives or rulers, or in making the laws regarding their own or the public welfare.

The effects of these pervading and contradictory beliefs and experiences on the future of our country can be only evil, and that continually; and, unless arrested, must carry us from bad to worse with accelerating speed.

We believe that these effects can and must be stopped, and their cause removed, and appeal to every true American to help do it.

The following MEMORIAL, with the appended Act and explanations, exemplifies how it can be done. It is proposed,—not as a political essay, nor yet, as a masterpiece in form or matter, but—to intelligent freemen, as a certain, simple and efficient way of putting the elective franchise where it really belongs, according to the theory of our government, and keeping it there in vigorous operation.

It assumes that ours *must* be a government *of* the people, *by* the people, and *for* the people, and proceeds to provide legal and convenient ways of reducing the theory to practice.

It appeals to the common sense and free instincts of all citizens, especially to those who have the most sense and the least say under the existing system.

If the proposed law can be carried into effect, and its future secured by constitutional provisions, as suggested, we shall have such easy and convenient means of obtaining legal expressions of the intelligence, judgment and will of our political people—the electors—as to assure us in practice the government of our theoretical choice.

We appeal to all citizens and associations, to teachers and students, and all who are willing to labor for the common weal, and to all voters whose necks, from year to year, unwillingly bend beneath the yoke of party tyranny, to take a hand in this work.

Circulate the Memorial; discuss its principles; bring it up in your societies and clubs. Get the press to aid, and, as soon as possible, bring it forward and secure the necessary legislation.

MEMORIAL.

*To the Honorable, the Legislature
of the State of*

Most of mankind have been and now are governed by "legal minorities." Our government is based on the alternative principle that "the majority shall rule through legal forms." To that principle we are irrevocably committed by the general convictions of our people and by the impossibility of changing it without destructive revolution. Wedded to it, "for better or for worse," by "love and affection," no less than by the law of our growth, it is the bounden duty of every citizen to use all diligence to secure to present and transmit to coming generations the best possible government "*of the people, by the people and for the people.*" From this duty no discouragements can dispense; nor shams, frauds or abuses in practical politics exempt him. He must sternly examine into, judge, denounce and avail of every practical means to extirpate them.

Your Memorialists firmly believe in the principle that government should be "*of the people, by the people, and for the people,*" and that as citizens they are obliged to put it into practice. They also think, that, making due allowance for the vitalizing and unifying effects of our rivers and railways, and the general ownership of property, the war of the rebellion tested its strength in a manner seldom paralleled in history, and that its triumph is a demonstration of its soundness and practicality. They believe that present practices, which our citizens recognize as evil, and the greater mischiefs their continuance threatens, are not due to our fundamental principle. They respectfully invite your attention to some of the worst of these evils, in order to ask you to enact laws which they think will promptly mitigate and finally extirpate the most of them.

The prominent feature in our "government of the people" is, that it is "by representatives and through legal forms." The working points in it are the suggestion, selection and election of representatives, and the mode of effectually ensuring that, while acting as such, they really represent the public intelligence, the public conscience, and the public will. Unless we can at least approximate to this, our theory evidently fails, and like all shams, must produce fruit of its own kind.

What is our present practice? We have no means provided by law for suggesting candidates, nor for selecting them, without which they cannot be intelligently chosen by electors who, individually, cannot know them

or command time and data to canvass their merits. Through lack of such legal means electors gradually and against their true interests have been driven to accept of such aids as parties, by their caucus systems, have found it their interest to provide.

These parties now think and boldly tell the people of this great Republic—"You cannot select candidates, nor induce your electors to perform their civic duties, without the means and appliances which we control. We present you our platform of professed principles, offer our guarantees and propose to administer your government, which you are incapable of managing, on condition that you will place at our disposal all its offices and emoluments."

Seeing no legal help, reluctantly and resistently, for the last sixty years, electors have gradually acquiesced in this humiliating proposition, until now, while every freeman's instinct recalitrates against it, we have, in practice, "*a government of party, for party, and by party.*" Let us now enumerate some of the fatal results.

FIRST—Public faith in free government is undermined by the assertion that the people can only govern when organized into a party instead of a body politic, backed, as this is, by the actual practice that ours has become one of party, and that opposing parties have no principles or rights which the dominant one is bound to respect.

SECOND—Our public legislation has given us innumerable crude and often conflicting laws; loaded us with debts, municipal, state and national, large percentages of which are the results of ignorance, recklessness of responsibility, and corruption in expenditures.

THIRD—It has burdened us with direct and indirect taxation almost too great to be borne, even by a people full of life and energy, blessed with the riches of a still virgin soil, unrivalled timber and mineral resources, and continually reinforced by a strong influx of vigorous and trained industrial immigrants from other civilized countries. Our taxation per centum is believed already to exceed that under any European monarchy.

FOURTH—Public offices are generally bestowed as rewards for personal and partisan services, and administered with the primary object of maintaining personal and partisan ascendancy, and are multiplied to pension party servants.

FIFTH—Everywhere large sums are paid to secure public offices of moderate salaries, in expectation of regaining the money, with compound interest, indirectly and by ways unknown to the toilers and taxpayers, out of whom, finally, it must come.

SIXTH—During election campaigns immense amounts are expended to disseminate partial, erroneous and false information, designed to obfuscate and ensnare the public judgment, and to buy the votes of those who care little who rules—all with the firm determination that the amounts shall be gotten back out of the people.

SEVENTH—To all this fearful amount of resulting secret taxation and of voluntary contributions levied, must be added the losses to the business and industries of the people, by frequent changes in offices and the inevitable inexperience and personal venality of many of the officers, arising therefrom.

EIGHTH—The frequent arraying of all partisan electors into hostile

camps among whom, thus arrayed, the desire of triumph dominates all others, and drowns the voice of reason and conscience to such degree that means and practices are used without scruple to ensure success, which, employed to obtain goods or money, would be held infamous in private life and punished as felonies under the law.

NINTH—The lowering of the general character of all grades of public officials, which is now commonly recognized as inferior to that of employees occupying positions of corresponding importance and responsibility in private and corporate business. Everywhere, of late years, in spite of increased diffusion of education, this lowering has been going on with accelerated speed, and proves the existence of a permanent and radical cause, which, if not removed, will soon undermine general respect and confidence in the integrity of the public service, which ought to stand as much higher than private, as the body politic is greater and more lasting.

These are a few of the universally acknowledged evils, the effects of which are so fearfully manifest throughout the Republic. Your Memorialists abstain from enumerating the minor outgrowths with which the press daily teems. These evils have all grown with our growth and strengthened with our strength. Evidently they must be due to some great and general cause. But no matter what that cause, as we have seen, citizens are bound to oppose and extirpate them, or allow free government to descend the grade of universal corruption, license and anarchy, toward final despotism.

To-day the laws which control this state and nation, with all their great and manifold interests, grow out of primaries and conventions, as assuredly as the plant from its seed. As already said, hitherto these germinating points have not been under public control, nor managed in the public interest. They are controlled and operated by individuals for personal and partisan ends and to benefit the wire-pullers and leaders, to the exclusion of the general public and all outside of their ring.

The resulting nominations are the legitimate fruit of this evil tree. They are seldom the fittest, and often the worst, for the public service. And yet, under existing methods electors are compelled to support them or throw away their votes.

Your Memorialists boldly admit that these evils are due to a general cause, and as boldly avow their belief that this general cause does not lie in the nature of our principle nor of the institutions founded thereon. They not only believe that the legitimate end of human government is "the good of the governed," but that the majority, rather than the minority, aided by means of guidance open to all, is the best judge whether that good is attained.

They believe that most of the evils enumerated, and others—actual as well as impending—are the logical and natural result of *a failure to provide by law suitable means of drawing out the best expressions of the intelligence, judgment and will of the great body of the people.*

They therefore pray you to make such laws as will secure these results. They ask you to provide legal means whereby, without regard to party, all electors may take part in initial and intermediary, as well as in the final action of elections for the choice of public servants and public measures.

Nor do they think the work will be complete until provision is made by law, so to connect public officers with the people they represent, that

practically the servant shall not be above his master, or long be able to continue in any career of misrepresentation, non-feasance or malversation.

To this end, they append to this Memorial the substance of an Act which they believe will, in part at least, answer the purpose ; and submit some reasons for and some benefits expected to result from its enactment.

BRIEF STATEMENT

OF THE REASONS FOR, AND ADVANTAGES ANTICIPATED FROM, THE
ENACTMENT OF THE PROPOSED LAW.

CHAPTER I.

*The Law of Human Life and Popular Government—How Best it can be
Fulfilled.*

“THE law of human life,” says J. FREEMAN CLARKE, “is that the development of differences must precede their reconciliation.” This is the law, also, of democratic government. For the purposes of such development and reconciliation, and for the necessary development of the nature and extent of existing concurrences, not less than three political processes are required:

FIRST—It is necessary to elicit from the electors full and authentic information as to their differences and agreements.

SECOND—There must be primary action for the reconciliation of differences, such as the nomination of persons for public office, and expressions for or against specific propositions and declarations as to public affairs.”

THIRD—There must be final action upon such nominations, propositions and declarations.

These, essentially, are public duties; yet all but final action have been and are left entirely to the control and regulation of political parties. This being our present political condition, it is important to know in what manner those organizations perform the political duties which they have undertaken, and whether it may not be possible to devise a better system.

Since political parties have given us our law to the extent indicated, it may be profitable to observe what agencies they have found necessary to provide and employ. We see—

FIRST—That each party maintains a permanent organization.

SECOND—That it maintains permanent officers, ready at all times to attend to the duties of their positions.

We find that the duties of party officials are to canvass the electors. In other words, to take a census of them; to gain information as to the partisan or unpartisan positions or proclivities of electors; to call and provide for party meetings, caucuses, primaries and conventions. Par-

ties also provide, to a certain extent, for the assistance and accommodation of electors whose votes, otherwise, they might lose.

We may take it for granted that similar, but more perfect arrangements, extending to all elections, are necessary for popular political action. There should be, then, for this purpose, a permanent public organization, and permanent public officers. These are provided in the proposed Act. It provides, also, for the formation of Registration Districts of specified extent, throughout the State, in each of which there is to be one of these officers, to be called the Register of Elections, whose official duties are clearly specified, and who is required, either himself or through his deputies, to do all that may be necessary for the assistance and accommodation of all the electors of his district. There are provisions, in the proposed Act for the regulation and control of initial and intermediary popular action. These will be uniform in their operation, and, in the largest sense, public. These provisions will secure to all electors the same rights and opportunities. This cannot be done by party arrangements. Parties necessarily are exclusive. Each party excludes all persons not committed to its policy and candidates. Non-partisans are excluded from all political parties. The privileges and benefits of partisan association are all conditional: the conditions involving the concealment or suppression of all important adverse opinions, and the surrender of the right to act in accordance with convictions of duty, on any subject, in opposition to the interests or creed of the party. Thus the development of differences, and public knowledge of their existence are prevented; and thus partisans are forced into unreal but seeming concurrence.

Differences within parties that cannot be concealed or repressed, result in creating factions within the parties, or in their disseverance. In the former case, there invariably occurs within the party a struggle of the opposing factions to control. The stronger or more cunning faction succeeds in this object, and then proscribes and silences the opposing faction, which thereafter, like all minorities within parties, is little regarded. Individual partisans, who differ from the ruling power of their party, must submit and remain silent when their party has acted adversely, or be ruled out of the organization. From all this, it is plainly to be seen, that the development and reconciliation of differences cannot be effected through parties; and that parties are unfit for the duties they have assumed, and for which they have been considered the proper and necessary agents.

Let us look in another direction and advert again to the proposed Act. As already stated, this will provide for each district a Register, to act impartially under legal control and direction. It is made the first duty of a Register to ascertain who are lawful electors of his district, and to keep a registry of such electors, making the necessary corrections from time to time. His next duty will be, at a certain time, sufficiently early in each year, to send to each elector of his district a blank sheet suitable for the purpose, and invite him to express thereon his opinions and wishes as to public matters, and to impart such information, with respect to public affairs, as he may possess and deem of public benefit. Thus, all differences and shades of difference will be developed; and an important part of the "law" referred to in the opening quotation will be perfectly fulfilled. This expression will also show the nature and extent of popular concurrence.

The next step will be to effect the reconciliation of existing differences. The conditions which will be established by the proposed Act will be as

favorable as possible for this object. There being no artificial political distinctions or barriers between citizens, all may freely meet and act and re-act on each other. All opinions, and shades of opinions, will be represented. The minds of citizens will not be closed by partisan prejudice against facts and arguments tending to change or modify their opinions. Information and instruction will be sought in every quarter. Opinion will thus be modified and differences decreased. A strong tendency of popular concurrence, in support of certain persons for public office, and of certain propositions as to public measures and policy, will begin to make itself manifest. The results of the primary elections, in which all electors will freely and equally participate, will show how far differences are thus reconciled. This will further enlighten the public mind and ripen the public judgment; so that, at the first election the majority of the electors will find the least difficulty in coming to intelligent and impartial decisions on the various questions presented, or in the selection of good public officials. In results thus reached all electors will more willingly acquiesce.

Under this plan the principal labor and care will devolve on the officers employed and paid by the public for this service. The familiarity with their duties, which they will soon acquire, and the public facilities at their disposal, will enable these officers to perform their duties much more efficiently and satisfactorily than they are now performed by partisan officials and for partisan ends. From the benefits of this service and these facilities no elector will be excluded.

Let us now compare, more particularly, the peculiarities and advantages of the two systems.

CHAPTER II.

The Principle of Supporting the Best Men and Measures, etc., the True Principle—Parties do not and cannot act upon it—The proposed Act perfectly adapted for carrying out this Principle.

THE principle of supporting the best men, measures and policies, is fatal to party rule, and therefore is not, and cannot be, tolerated by parties. But this manifestly is the right principle, and it is that upon which the better citizens desire to act. Party compels those dependent upon its favor and all who are thoroughly committed to it, to support all its actions, good and bad. It thus gains the power, which it constantly employs, of effecting evil, under cover and by means of the good it supports. This is one of the worst features of the party system. Another of its bad features is the indiscriminate opposition of each party to the good, as well as the evil, proposed or accomplished by the party to which it is opposed. Nothing could more clearly show the unfitness of political parties to manage and control popular action, than the fact that they are constantly impelled, by their interests and policy, to oppose and prevent the concurrence of good citizens in support of those whom they regard as the best men for public officials, and of the measures and policy which they deem most advantageous to the public.

The principle of supporting the best men, measures and policies, will be the necessary rule—the standard of public judgment as to right political action under the proposed system. Under it there will be nothing to prevent, but everything to induce and urge, good citizens to unite upon this principle. The support of one good measure, or candidate, will not be to hold, require or justify, the support of any bad measure or candidate. Consistency and inclination will prevent such conduct.

CHAPTER III.

The Party Appliances by which Men are held permanently in the same relations, regardless of actual Changes and Divisions of Opinion, not fitted for the Actual Life of a Free People.

THE principal argument in favor of organized political parties is, that they furnish the only means whereby those who agree in public matters can combine for united political action. It will be obvious, from what has been previously said, that parties begin their processes of combination before there is a proper basis on which to unite. This they do by recognizing or assuming the existence of certain broad and marked differences, and ignoring or disregarding all other diversities of public opinion. In making up their party creeds or platforms, parties reverse the methods recognized as necessary in all other fields of discussion, by first settling fixedly upon their conclusions, and then searching for the greater part of the facts and arguments by which they may be supported. Adopting these conclusions as the basis of their action, they make up from them and present to the public a few distinctive party issues, to which they permit nothing to be added, and from which they suffer nothing to be taken by their partisans. In favor of these issues all others must be postponed or repressed. No matter what facts subsequently appear, or what new light may be thrown by discussion upon these subjects, the party creed is unalterable. Citizens are unnaturally forced into total agreement or total disagreement. While it is clearly evident that this is not a proper method for the development and reconciliation of differences, it must be acknowledged that nothing essentially better can be produced by political parties. Admitting the necessity of such persistent adherence by parties to their foregone conclusions, and of such postponement or suppression of all but the few distinctive and controlling party issues, the fact of this necessity demonstrates most clearly the insufficiency and unfitness of political parties, as the agencies for popular action. They are manifestly incompetent to furnish the requisite facilities for such action, except upon the few issues of their own selection; and for those only upon the basis of their preconceived and necessarily unenlightened and imperfect opinions.

A proper and sufficient system must furnish facilities for public expression and action at every stage, and upon all subjects, upon which citizens may desire to act. The impropriety and impolicy of conceding to parties the entire control of primary processes will appear when we consider the fact, that the very existence of parties depends upon the perpetuation of existing differences. When these are reconciled no basis for the existing parties remains. Hence, nothing is more natural than that parties should seek to keep alive these differences. It is obviously the interest of parties to create and perpetuate differences, where otherwise none would exist. Party is the natural product of those societies in which there are broad and permanent distinctions, such as those of class, or caste. It can only be an antagonistic and subversive element in a democratic state.

Under the proposed Act there will be every necessary facility for natural combination and inter-action. Citizens will not be compelled to act together further than they really agree, nor can they be prevented from so acting upon subjects with respect to which differences no longer exist.

CHAPTER IV.

Party Ascendancy due to Habit and want of necessary Legislation—Habits of Public Action are not changed without Change of Law—Change of Opinion must Precede Change of Law.

BECAUSE party is not established by law, it is considered by many a wholly voluntary system. It is supposed, by such persons, that nothing but the will is wanting for the overthrow of the party government. The continued existence of parties and the general acquiescence in party rule are regarded as proofs of the merits and necessity of the party systems; but the truth is, that these things are principally due to want of proper legislation and to the force of habit.

If parties are indeed necessary agents for popular action, they will continue to be so under such legislation as will enable the people to act independently of them. But, it is believed, that organized political parties, such as we now have, will not long exist under the conditions that would be established by the proposed Act.

To effect this change, it is only necessary thoroughly to enlighten the public mind as to the advantages it promises and the means by which it may be accomplished. Public opinion, already well advanced, though not fully ripe, upon this subject, will then demand it. It is generally conceded, that party should not be regarded in local politics; but it will be found, that there cannot be one rule for local and another for state and national affairs, at least, so far as the people act directly in each. If party controls in either, it will control, more or less, in all. It will furnish the candidates and frame the issues.

The proposed Act, or one like it, is the only means whereby we can secure a complete emancipation from the tyranny of party, even in our local public affairs. "The fallacy of the theory that habits should change before the law is changed," says Mr. U. M. Rose, "is, that habits are controlled by law, and cannot change until the law is first changed." In the absence of the statute law, parties have assumed and exercised extra legal powers, which by acquiescence and by continued neglect of proper legislation, have become as well established and as effective as though they had been derived from positive law. Hence, the above quotation applies to the proposed political change. "The law," continues Mr. Rose, "is not usually altered by change of habit, but by change of opinion. To assert that no good can be done by legislation, is to assert, that though men may make good rules for their guidance, when they are not specially trying to do so, they lose this faculty the moment they give their best attention to the subject." So, certain party advocates would have us believe that our political arrangements should be left to the direction of chance, or to the pleasure of self-interested organizations, rather than to the rule of intelligent and impartial law.

"The laws," says Chief Justice COOLEY, "give us the best insight into the character of a people. The laws are not merely their professions. They are the professions which they consent to carry into practice. If these rules tolerate a vice, we know that the general sentiment of the times is not willing to outlaw it. If they condemn a vice, we know that indulgence must be so far exceptional that the common voice calls for its punishment." This, to a certain extent, is true as to the vices of the party system, but does not fully apply to that system, on account of the control which parties exercise over legislation. When the people have

more direct power over initial and intermediary action, we shall know exactly what they approve or disapprove, what they think and what they wish.

CHAPTER V.

Reformation of Parties—The Subserviency they Require—Advantages to the Citizen of the proposed Act.

ANYTHING more difficult than the reformation of a party long addicted to evil practices, by action within itself, cannot well be conceived. These practices are so profitable, or promise so much profit to the party managers, and these managers are so well secured in their positions, and so tenacious in their hold upon them, that their removal is seldom practicable. Even when such a change is effected, the anticipated reformation is seldom, if ever, realized. Change of party officials effects no change of the party system. The illegitimate power, the facilities for abuse, and the temptations thereto, remain, and are not easily resisted. The slight changes for the better that may be effected, under extraordinary circumstances, are never permanent. The ordinary course of parties is from bad to worse. While the prospect of "reform within the party" is thus unpromising, the partisan who fails in an effort to accomplish it is thereby placed in a trying and often in a very humiliating position, since he must either support his party in all its abuses, or be cut off from it, and be denominated as a "bolter," and "political renegade." "A persistent reformer within the party" invariably finds himself outside of its organization in the end. The person who would stand well with his party must improve every opportunity of being useful to its managers. He must assist them in caucus; work at primaries for the nomination of their delegates; in convention for the nomination of their favorites. He must pay his assessments promptly. He must not shrink from the use of any means by which party politicians gain success. If he has any special political object to accomplish, he must make it for the interest of the managers to support it, or he will fail. Under the party system good can never be accomplished "by way of good."

Nothing could be more striking than the contrast which the position of the ordinary partisan will present, to that of the citizen under the proposed Act. The latter will be at perfect liberty, in all stages of political action, to pursue that course which his judgment and conscience may direct. He will not be required to attach himself to any political organization, or to perform any party service. He need not consult the pleasure or interest of any one. He may remain at home, or at his usual place of business or employment, yet discharge every political duty, and exercise his due political power. He may confer freely with his fellow-citizens of all shades of opinion, and gain information and instruction from every available source. He may legally express his opinions, desires and preferences as to public matters, in the perfect assurance that they cannot be falsified or misrepresented. He may rely upon the authenticity of such expressions by his fellow citizens. He may freely recommend and support for public office those whom he deems best fitted for the public service. He will remain uncommitted by his own expressions as to future action, being always at liberty to support that action which he believes best under the existing circumstances, and to make the best available choice of public officials. Electors may freely and

largely consult their personal feelings and tastes as to the manner in which they will perform their political duties, and exercise their political rights. They will have, also, more latitude as to the time of doing this. In all stages of political action it will be necessary for those seeking to accomplish political objects to consult the personal opinions and wishes of the electors, who will therefore command, at all times, their proper consideration and influence. There will be no power which can defeat or obstruct political reforms approved and supported by a majority of the electors.

CHAPTER VI.

How the Party System Restricts the Liberty of the Citizen.

Few persons, accustomed to act with party, realize the extent to which their liberty is restricted by the party system. Choice of public officials should extend to all persons legally qualified. Under the party system this choice is restricted, first, to the members of one party; and, secondly, to its nominees. The partisan is not at liberty to support other persons, however superior their qualifications.

The fact of being a partisan reduces primary choice at least one half, and at final elections the partisan has no freedom of choice. It is considered that he has no right to "make or meddle" in the affairs of an opposite party. Parties so control, that initial action is not practicable except through them. Thoroughly independent citizens cannot make use of these agencies; yet they have more real power, in the end, than partisans. It is often the more independent who decide results as between parties; and it is to gain their votes that much of the campaign work of parties is done. Nevertheless, it is clearly the duty of a popular government to provide means through which its independent citizens can act; otherwise, their theoretical liberty of choice is practical constraint and prohibition of action.

The proposed system will emancipate the citizen from his servitude to party. Under that system his political influence will depend principally upon his intelligence, activity and worthiness; as electors will be independent of party caucuses, primaries and conventions, and can act without the consent or assistance of those who control them. The purchasable element will lose its importance, and those who seek to gain their ends by its aid will injure, rather than assist, their cause. The "baser sort" of politicians, having thus lost their power over political results, their promises of support or favor will be of no value, and will be neither sought nor regarded.

CHAPTER VII.

Parties not Competent to Furnish the Best Methods.

As the most successful and firmly established party does not control the entire powers and resources of the community, state or nation, and parties out of power have no public resources, it follows, that parties could not furnish the best possible facilities for public action, were they so disposed. Even though parties did carry out, so far as possible within themselves, the law of human life and popular government with respect to the development and reconciliation of differences—which, as we have seen, they absolutely prevent—they would not be proper and sufficient agencies for the purposes of such government. As party ob-

jects are self-interested, narrow and antagonistic, and parties are managed in the interests of the few who control their action, there is no reason to believe that they will even make a sincere effort to provide the best facilities. When we consent to the control of parties on the ground of necessity and convenience, we sacrifice the ends of free government for the means, but do not gain the means.

A government *of* the people, *for* the people, and *by* the people, representing all public interests, and controlling all public resources, is capable of providing and maintaining better conveniences for all public action than parties possibly can furnish. Not only is such a government more competent for these purposes; it is the only suitable agency to provide processes, effective and participated in by all electors. No organization having certain legitimate objects can safely ignore or neglect its proper duties; and it will be found more effective for the fulfillment of these duties, if confined and directed solely to their accomplishment. This latter truth was well illustrated and enforced by the celebrated MACAULEY in his arguments against a state church.

The relations of a political party, established in power for the time being to the government which it controls, is, in some respects, like that of a state church to the government in which it is established; but as the former then controls all public service for its own benefit, the objections to its supremacy are far greater than those to a state church in its more limited sphere. The party, like a state church, has its distinctive interests and its exclusive tests. The effect in both cases is to divert the public powers from their legitimate objects, and to exclude competent men of other beliefs from public service, thereby inflicting a direct and sometimes a very serious loss upon the State. It is evident that no exclusive organization is fitted for a service which requires that the public interest shall be always paramount.

CHAPTER VIII.

The Question of Complication.

It may be objected, inconsiderately, that legal arrangements for the regulation and control of all political action will be complicated and difficult to put into practice. This objection involves the assumption, so well repeated by Mr. Rose in the extract quoted, that "men lose their faculty for making good rules for their guidance, when they give their best attention to the subject." Each party now provides its own regulations and arrangements, as its interests and circumstances, or chances, or caprice, may determine. This gives us different, and often diverse methods. The only way to bring order out of our political chaos, is to establish, by law, a uniform and simple, yet effective, method. For want of this, our politics are hopelessly complicated. Parties finding the existing state of things to their advantage, will do nothing to amend it. So long as we are without the necessary legal regulation, our political system will lack the conditions of simple, orderly and effective movement. It would be wonderful, if with such defective arrangements, we did not realize the evils and difficulties which we now experience. Were there like neglect of unity and method in the business of a single department of the government, or of an individual, it would cause such confusion and complication therein that the business could not be carried on. The proposed law is intended to supply the necessary conditions, and it is believed that it will furnish greatly increased and improved

facilities for public action. Under this law the mechanical and clerical labor, and all matters of mere routine, will be performed by public officers, and the electors will be thus relieved from much of the care and annoyance to which they are now subjected. Every elector will be addressed, in the name of the whole people, and invited to express his opinions and wishes, and also to impart such information as he may possess and deem of public benefit. What method of political action could be more simple and satisfactory, or more easy for the elector who wishes to take a proper part in public affairs? It will be as convenient to vote at public primary elections as at party primaries, and much more agreeable. Under this simple and direct method we will avoid the disorder and confusion incident to our party system.

CHAPTER IX.

The Ideal Official—This ideal may be realized under the proposed Act.

THE "ideal official" has been described as "a carefully chosen man of broad cultivation, æsthetic tastes, patriotism that includes the whole country, and a power of independent judgment that cannot be swayed by the bribery of influence, nepotism or corruption." As a rule, such men are excluded from public life under our party system. The doctrine of the necessity of party, involves the necessity of abandoning the principle that the best man shall be chosen. Parties could not exist, did they cease to hold up the public offices as the rewards of partisan service. "A tree is known by its fruits." The character of a majority of the men who secure office under the party system condemns it as unfit to make proper selections.

The proposed system is perfectly adapted for the selection for public office of the persons described as "ideal officials." Under that system they would become our actual officials.

CHAPTER X.

Evils of Party Legislation.

GOLDWIN SMITH says: "Mere party politicians cannot afford to see beyond the hour. Under the system of party government, forecast and freedom of thought belong usually to those not engaged in public affairs."

Party governments are as little fitted to enact proper democratic legislation as to choose proper public officials. As a rule, partisan legislation is partial, inconsiderate, capricious and corrupt. It enriches individuals and combinations, at public expense, makes extravagant grants, and creates all those great abuses which are made the reproach of popular government. Our excessive legislation, and frequent wanton change of law, attest the instability and insecurity resulting from the party system. These have been considered, improperly, as due to democratic government.

Under no system of government have there been arrangements affording so many securities as to legislation, or enforcing so much care and consideration, in the enactment of laws, as is required under the provisions of the proposed Act. Measures will be first recommended or suggested by the electors in their returns of information. They will be

discussed and considered from the time of such returns to the time of the primary elections, when the electors may express their opinions definitely as to their merits. Measures thus approved by a majority of the electors concerned will be more thoroughly discussed and considered from the time of the primary to that of the final election, when the majority of the electors may instruct their representatives with reference thereto, as they may desire. The legislative authorities will then be required to frame the acts necessary for carrying such instructions into effect. After which such acts will be submitted, for a sufficient time, to the electors for their sanction. It is believed, that a better method for correcting and preventing the existing evils of our legislation, especially with regard to expenditures and the creation of public debt, has never been devised. This is the natural and proper method, in a popular government. Under it a true science of legislation will be practicable. The proposed Act provides means whereby contested questions may be brought to a speedy and satisfactory settlement, and thus be removed from the public mind, as permanent causes of irritation and difference.

CHAPTER XI.

Instruction—Popular Sanction—Displacement.

THE right of instruction, which is declared in our State Constitutions, has become a dead letter under party system. Party interests also oppose the requirement of popular sanction to legislation, and to such popular control over public officials as that given by the power to displace elective officers. This opposition is natural, since these provisions tend strongly to the destruction of the party system.

The provisions of the proposed Act for instruction, popular sanction and displacement of public officials, are valuable means for the enforcement of the public will. Their operation, for the most part, will be "silent but effective." Public trusts are not so often violated from ignorance of duty, as from a corrupt and perverse will. Our politicians are shrewd observers of the state of the public mind. When they act against right and public opinion, they do so consciously, depending for their immunity upon party support. Under the provisions referred to, this dependence would fail them. They would then become so careful and complaisant; so quick to observe the indications of public opinion, and so obedient to it, that instruction or displacement would seldom be necessary.

Under the requirement of popular sanction, few measures would be enacted which the majority of electors did not desire and would not approve. All real popular control, over public action and public officials is destructive to party.

CHAPTER XII.

The Party System Unfavorable to Intelligent Action.

THE party system does not supply the conditions necessary to intelligent action, even to its own managers, much less to the ordinary partisan. It has been said, that the greater part of our knowledge depends upon our perceptions of differences. Parties take no means for ascertaining the differences even among their own men, and their leaders sternly and systematically repress all manifestation or knowledge of differences

which in any way conflict with their plans or interests. Knowing better than others, though very imperfectly, what is true public opinion, the party managers are able to pass off the false for the true. Much of their power is due to their exclusive information, since it renders it necessary that those less informed shall look to them for information and guidance. As party leaders undertake to act and think, in great part, for their adherents, the latter gain little useful instruction or training through their political action. On account of the impossibility of getting reliable information, or of knowing the effect of such action, many good citizens decline to take part in public affairs. There are in the proposed Act provisions for gaining the most complete and authentic information, and for making this known to every elector. Upon the basis which this affords he is free, and is required to judge and act for himself. Having the best information attainable, he will be able to act at all times understandingly. He will have that complete knowledge of existing conditions, without which it is impossible to know what may and should be accomplished, at a given time, through any series of political acts. The habit of independent action will give him the necessary training and self-reliance. One of the most fruitful sources of opposition among men is mutual ignorance of each other's objects, sentiments and opinions. Under the proposed system there would be little room for such misunderstandings.

CHAPTER XIII.

Partisan Discussion and Controversy.

UNDER the party system we have much controversy and very little proper discussion. The merits of men and measures are not impartially considered. Accusations, denials, counter assaults and injurious comparisons are the supplies of partisan controversy. Through such means moral ideas are confused, and evil often made to appear as good. The character of political discussion would be entirely changed under the proposed system. The merits of measures and men would then be more thoroughly and impartially considered. For success, it would be more necessary to address arguments to the judgments and consciences of individual citizens. Our political discussions would become more philosophic. A class of learned and able men, who are not now heard upon political subjects, would give the public the benefit of their researches and opinions.

CHAPTER XIV.

Public Spirit and Public Interest.

SUBSERVIENCY to and dependence upon party are unfavorable to the growth and maintenance of a healthful public spirit, and to the existence of a healthful public interest in political affairs. The ordinary partisan is restricted in his judgment of any proposed measure by the predominating consideration of the influence it may have on the interests of his party.

As public action conforms more closely to public will, it will create a stronger and more healthful public spirit. As every public expression will be real, and intended to effect an important public object, it will excite a public interest corresponding with the importance of the object.

True public spirit and true public interest will increase with increasing independence of party control. The wider the field of sympathy and action, the more lively and extended will become the general interest in public affairs.

CHAPTER XV.

Party Opposition no Security against Party Corruption—"We must have one Party to watch the other."

IN view of our political history for the past few years, and in the face of such revelations as those made by TWEED, to say that parties are a necessary security against political corruption, seems more like irony than sincere opinion. A more thorough party system and government by party than ours have been, cannot exist under an elective system. It would not be easy to point out, in any country, an era of greater political corruption than has been witnessed in our own during the past thirty years; yet, during all this time, there have been two great opposing political parties. We have had, and still have, the very conditions in this respect which we are assured are most favorable to public virtue, yet our public morals and conduct have been and are far below the average standard of private life. Under any proper system, the contrary should be the rule. A system that reverses the natural order cannot be favorable to public purity, and this conclusion is too well supported by actual results. The system which leaves all political action to two great parties, so far from affording the pretended security, is the most favorable that can be conceived for the purposes of public corruption. The moral law operates most effectively and beneficially in a state of freedom. Party interferes with and obstructs these natural reactions against evil, which are the only sure means of its suppression and removal. The patience of the public, and the slowness of its perceptions of the truth as to the real source of our most glaring public abuses, is truly marvellous. In face of the well-known and generally admitted fact, that all our great public spoliations have been consummated by a combination of the leaders of both parties, many still cling to the delusion that our present system is the best possible one for preventing these very results.

When our eyes are once opened, we can see that nothing is more natural or more inevitable than that these results should occur under our present political processes. As the two parties control nearly all efficient agencies of public expression and action, they are able, when they unite, to repress all effective opposition and to protect each other against just public retribution. If the two sets of party leaders oppose each other in earnest, neither will gain profit at public expense. If they unite, it will be to their mutual pecuniary advantage. As the material for public plunder is ample, and none but the public suffer, the leaders are too shrewd not to see that their best chances for profit are in making terms between themselves. A little more or less is not so important to either side as the question, whether they are, or are not, to get some share of the spoil. It is an indisputable fact that nearly all our great public robberies, in late years, have been committed by the union of a sufficient number of the opposition party, with the majority of the party in power, to overbear the impracticably honest men of both parties, and that during or after the perpetration of these robberies the profits have been divided, with a rough approach to equality, between the leaders or members of each party. In the exceptional cases, when under the direc-

tion of the better men of the organization, a party earnestly opposes and assails the corruptions of another party, and thereby gains political power, it almost invariably occurs that the more unprincipled and selfish of the leaders, who, from motives of policy have kept in the background, then come forward and betray the cause espoused by the successful party; and, with the aid of the same class of the opposite party, perpetrate greater outrages upon the public than those previously committed.

Ingenuity may be safely challenged to devise a system better suited to all the purposes of political corruption than that which we now possess and cherish. Our best remedy and security are to be found in legal provisions which will enable the people to participate equally in all public processes; to direct and control public agents; and to decide finally as to the adoption of legislative acts. With such provisions, and with arrangements whereby the broadest and clearest light shall be thrown over all public processes, we may be sure that the interests and honest inclinations of the greater number will arrest and defeat the corrupt schemes of the interested few.

CHAPTER XVI.

Effect upon the Civil Service—The proposed Act will assist, as far as possible, by State Legislation, in the Reform of the Civil Service.

THE obstacles to Civil Service Reform, that is—to making the Public Administration a business, instead of a political, machine—arise from party control and the overpowering personal interest of party leaders in bestowing the public offices as rewards for personal and partisan services; and in having them administered to secure personal and party ascendancy. The proposed Act will soon do away with the necessity for these services and this ascendancy. Moreover, the means of legal public expression provided are valuable for this purpose, even when the power of choice is not directly with the electors. The proposed Act best reconciles the system of Federal appointments with popular methods. Few national administrations will have the hardihood to appoint local Federal officers when it is positively known that a majority of the electors, in the locality in which the office is to be exercised, are opposed to such appointments. The national authorities would pay the greatest respect to such expressions in favor of applicants for such offices. Instead of looking to Congressmen for instructions and advice in regard to such appointments, the appointing power would look to the people most concerned.

The opportunity given for legal expression of preference for United States Senators and for President and Vice-President, will cause the wishes of the people to be known and respected in these matters.

CHAPTER XVII.

The Question of Public Economy—Reply to objections made to the Increase of Public Offices and the Taxation necessary under the proposed System.

It is an old and sound economical maxim, that "what is worth doing at all, is worth doing well." No intelligent man permits his business to suffer for want of care, or leaves it to chance direction. If he has a farm, store or workshop, he employs all the help required to take care of it and to carry it on. A community should not act with less intelligence and prudence. The larger the business, and the more interests there

are involved, the more care is required to systemize and conduct the business properly.

The public business of a township requires, and justifies, certainly more attention than one of its farms, stores or workshops. Either of the latter would suffer were it not properly attended to each day. The whole cost to a Registration District for the necessary official attention, and for all the purposes of the proposed Act, would not exceed the salary of a book-keeper in a prosperous country store, or, at most, that of a cashier of a country bank, nor would the labor required be greater or more arduous than that usually performed by persons engaged in these employments. If the facilities afforded and the securities provided by the proposed Act are not worth this slight expenditure, the political rights of citizens cannot be of much value.

The saving effected by this means would be many times greater than its cost. Under this system schemes for depleting the public treasury, for private or partial benefit, would be seldom attempted, and, more rarely, succeed. The enormous burden of taxation, beyond that necessary for legitimate public expenditures, would be removed.

Let us compare the cost of the two systems to a laboring man on the Pacific coast, who gives proper attention to his political duties.

FIRST—Under the present party system :

Electioneering at primary for the delegates he prefers, one day, not less than.....	\$3 00
Working for his party on the day of election, one day.....	3 00
Attendance upon party meetings, speakers, processions, etc., one day.....	3 00
Assessment for party purposes, not less than.....	3 00
Extra expenses, at these times	5 00
Total	\$17 00

The above estimate falls far short of the cost to an active worker for his party. These are regarded as legitimate expenses. Thousands of dollars are spent illegitimately in each county, and often hundreds of thousands in each State during the canvass preceding an important election. It is believed that more than half a million of dollars have been expended in the State of Nevada during a single election canvass. These sums are not patriotic contributions to a public cause, but are paid out with the expectation of a profitable return. Were not such expectations usually realized, such expenditures, instead of steadily increasing in our elections, as is notoriously the fact, would cease. When we consider that usually vast sums are expended on both sides for the mere prospect of success, some idea can be formed of the extent to which the people suffer, and of the enormous profits realized by politicians from the possession of political power, for these profits come out of the people.

SECOND—The proposed system provides official arrangements which enable voters to act in a convenient, simple, effective and economical manner, and the expenditure in time and money being much less than is required at present. Let us now compare its cost to a laboring man on the Pacific coast with that of the present system:

Cost of ballots and voting envelopes, possibly.....	\$1 00
Possible increase of taxation.....	2 50
Total	\$3 50

He is out of pocket directly but one dollar, and if he chooses to get his ballots and envelopes of an election officer he need not be out a cent, except for his share of the necessary taxation. He may attend public meetings of the electors at a slight loss of time, and at a cost not to exceed fifty cents for his share of the expense of each meeting. But as such meetings form no part of the regular processes of initial or intermediary action, they may stand as an offset to the occasional party meetings that under the present system are held at times when no election canvass is in progress. Under either system, a man may devote as much more time as he feels disposed to give to public affairs; but, under the proposed system, an elector need not leave his house or place of occupation or lose any time worth considering, yet take part in every political process of the electors, exercising thereby more real power and commanding more consideration than he can now exercise and receive at greater expenditure of time and money. The securities provided in the proposed system will reduce illegitimate public expenditures to a low point, thus saving many times the amount of direct taxation which that system would involve.

CHAPTER XVIII.

The Decline of Party Government.

THE decline of party government, the evidences of which are abundant and unmistakable, and which is noticed particularly in a recent article by GOLDWIN SMITH, is due to the increase of popular power. Democracy and party being essentially antagonistic, the advance of one implies the decline of the other. The power of the people at the present time, though at best much restricted by party ascendancy, is in almost exact proportion to their independence of party. It has been shown what political processes are necessary for democratic government, and that political parties are unfit to provide for and conduct these processes; also, in what manner such parties interfere with, obstruct and oppose such government. It follows, from the generally accepted law of progress or development, that, under conditions more favorable to democracy, the power of party must decline. The converse of this, that under conditions entirely favorable to party ascendancy popular government must cease, is also true. The vitality of our popular institutions now depends entirely on the right of choice in final elections, a right which parties greatly restrict but cannot destroy.

The conditions for true popular government will be nearly perfected when full power over initial and intermediary public action is secured to the electors. The proposed Act provides these conditions:

It will carry out democratic principles in all stages of political action, by safe, agreeable and efficient means.

It will supercede our present party system and remove the evils incident to party ascendancy.

It will secure honesty and capacity in public officials.

It will protect the public treasury and secure proper economy in government.

It will enable the people to elect public officers really of their own choice.

It will prevent partial and special legislation.

It will secure a non-partisan and more "honest and capable" judiciary.

It will control selfishness; increase public spirit; secure, in every polit-

ical sphere, a higher class of public officials; and lead to a more broad and enlightened statemanship.

It will prove that our existing political evils are not due to democratic or republican principles, but to departures from them and failure to carry them into effect, thus vindicating these principles and confounding their enemies.

In such measures will be found the only sure means of a real and lasting improvement in our public service.

There are not only abundant evidences of the decline of party, and the consequent advance of popular government, but also of a corresponding change of public opinion with respect to the necessity and benefit of political parties. There are but few independent thinkers, who are in the habit of public speaking, who do not see and declare some part of the truth on this subject. So great a change as that of the elimination of the party system from our practical politics cannot be suddenly accomplished. We must expect that the progress of this change, like that of other great movements of the human mind, will, at first, be slow and sometimes interrupted. "Movements which are pregnant with vital change," says FROUDE, "are often slow in assuming their essential direction. Even after the stir has commenced, circumstances do not immediately open themselves; the point of vision alters gradually, and fragments of old opinions and prepossessions and prejudice remain, interfused with the new, even in the clearest mind, and cannot in a moment be shaken off." In the decline of party and the advance of popular government, we have such a movement; and, although "the stir has commenced," the "point of vision alters" so "gradually" that few are yet able to see clearly "its essential direction." The foregoing statements and arguments are designed to remove some of the obstructions which have prevented clear observation, and to turn public attention to the right quarter. It is believed that the adoption of the proposed Act would be a decisive and most important step in the right direction, and that this would speedily and inevitably lead to our emancipation from party government.

CHAPTER XIX.

Summary of the more Novel Provisions of the Proposed Act—The Proposed Constitutional Amendments.

FOLLOWING is a brief summary of the more novel provisions of the proposed Act:

1. The provisions for registration districts, registers and registration, which have been referred to, and the nature and advantages of which, perhaps, have been sufficiently explained;
2. The arrangement for a general final election each year. County and local officers being elected separately from District and State officers, each alternate year. This will keep local and other public questions more distinct; make a more proper and orderly regulation of public action, and keep up a more uniform and healthful public spirit;
3. The provision for the appointment of Inspectors of Election by the School Trustees. This assigns the duty to a local Board, the members of which are usually intelligent and impartial, acquainted with the citizens, and have a public interest in the locality;

4. The provisions for gaining information of the electors, and canvassing and publishing the returns of the same;

5. For primary elections by all citizens, for the nomination of candidates, and popular expression upon all matters of public concern;

6. For instruction of all legislative agents;

7. For the submission of legislative Acts to the votes of electors;

8. For the displacement and replacement, by the electors, of elective officers;

9. For the nomination, by the electors, of persons as candidates for United States Senator, President and Vice-President, and for State and National offices, to be filled by appointment;

10. For direct vote of the electors of the State for President and Vice-President, as well as for Electors of the same; and legal instruction to the Presidential Electors to cast their ballots for the person, for each office, who recieved the highest vote. This legalizes what has been sanctioned by custom, and accords with present usage, except that present arrangements are partisan. Under this provision Presidential Electors could be punished legally for violation of public trust and private honor;

11. Provisions for the accomodation of electors with respect to time, place and manner of voting, including that for the appointment of Receivers and Collectors of votes, and visits by the latter to every neighborhood of each precinct;

12. Provisions whereby the electors of the several localities may authorize and use all conveniences afforded by the postal service, express, telegraph or other companies and private messengers;

13. Provisions for certifying duplicate ballots, and acknowledging receipt and delivery of votes;

14. For the new arrangement of poll books, avoiding the necessity of extra checking lists, and affording conveniences for all the entries required;

15. For a ballot book for pasting in ballots. It is more convenient and useful than the old method of filing, affords more ready reference and better means of detecting and correcting frauds and errors;

16. For tally sheets and tallying. These are required by the greater extent of public action to be provided for;

17. For a preliminary count and subsequent correction of errors, illegality and fraud, and for the corrected or official count;

18. For estimates of the cost or saving to the people of each new legislative Act, to be published with the Act;

19. The provisions for public meetings of electors are the complement of the proposed system. They provide means for public action in sudden and urgent occasions. While they afford ample facilities for such action they also provide ample security. All citizens of the locality have an equal right to participate. They would establish the better fea-

tures of New England Town Government, and complete the necessary facilities for public, as distinct from party action;

20. The penal provisions are believed to be such as will meet all requirements. Such provisions will be more easily and certainly enforced when the power of party is broken down by voluntary popular action;

21. The provisions intended to encourage inventions of improvements in popular methods will keep public attention alive to the subject, and prompt to constant effort to secure such improvement;

22. The Constitutional amendments suggested would establish the proposed reforms more thoroughly and securely than it is possible to do under present Constitutional provisions. These amendments are entirely consistent with the popular principles upon which our Constitutions are based, and necessary for their proper application. The object of the provision for choice of public elective officers by a favorable expression of three-fourths of the electors in their returns of information, and by a two thirds vote at primary elections, is to save unnecessary trouble and expense, when the electors are already sufficiently agreed, and to promote unanimity among them.

A N A C T

RELATING TO REGISTRATION—INITIAL AND INTERMEDIARY PUBLIC ACTION—ELECTIONS, AND ELECTIVE AND OTHER OFFICERS, Etc.

Providing Enlarged Conveniences and Securities Against Fraud in Registration—Legal and Effective Ways for all Electors to Participate in Initial and Intermediary Public Action—Greater Facilities and Guarantees in Voting, and Improved Means of Obtaining Legal Expressions of the Best Intelligence, Judgment and Will of the People in all Matters of Public Concern.

CHAPTER I.

REGISTRATION DISTRICTS—REGISTERS—REGISTRATION.

SECTION 1. Each township of a county, and each ward of a city, shall be a Registration District, except when such action is taken by the electors as that provided for in Sections 2 and 3, Chapter I, of this Act. Each Registration District of a county shall be numbered by the Commissioners of the county.

SEC. 2. When the majority of the electors of any precinct, or precincts, in which there are not less than five hundred registered electors, in any township or incorporated town in which there are not less than fifteen hundred registered electors, shall vote, at any public meeting of the electors, or at any primary election, in favor of having such precinct or precincts set off, as a separate Registration District, the Commissioners of the county, immediately after the proper legal certification to them of the fact, shall set off and declare such precinct or precincts a separate Registration District.

SEC. 3. When the majority of the registered electors of each of two wards, of any city in this State, in which the whole number of registered voters of both wards does not exceed two thousand, shall vote at any public meeting of the electors of each of said wards, in favor of their consolidation into one Registration District, the Commissioners of the county, immediately after the legal certification to them of the fact, shall consolidate such wards for this purpose, and declare them one Registration District.

SEC. 4. Registers of elections shall be chosen by the electors of the respective Registration Districts, on the day fixed by law for choosing county and township officers. When not otherwise provided for by law, each Justice of the Peace shall be also a Register in the Registration District in which he resides; and, in elections, the title of the joint officers shall be Justice of the Peace and Register.

SEC. 5. When a majority of the electors of any Registration District, at any public meeting of the electors, or at any primary election, shall vote in favor of the separation of the offices of Justice of the Peace and of the Register, and of having the offices held by different persons, the Commissioners of the county, upon proper legal certification, shall promptly give public notice of this vote, and fix a day, not more than thirty days from the time of such vote, for the election of a Register, whose official duties shall be exclusively those of said office.

SEC. 6. When another Registration District is formed within a township, in the manner prescribed in Section 2 of this Chapter, the Commissioners of the county shall fix a day, not more than thirty days from the time of setting off such district, for the election of a Register, by the electors of the same.

SEC. 7. When the wards of a city are consolidated into one Registration District, as provided in Section 3 of this Chapter, the Register of the ward having the largest number of registered electors shall become the Register of the newly consolidated district. All books and papers pertaining to registry in the other ward shall be handed to him by the Register of that ward, and shall be kept thereafter as a part of the records of the consolidated Registry office.

SEC. 8. In case of a vacancy in the office of Register, the Commissioners of the county shall appoint a Register to serve in the district in which the vacancy has occurred, until a Register for the same shall be elected legally, and qualified.

SEC. 9. All Registers, and Deputy Registers, shall have power to administer oaths, or affirmations, and to do such other acts as may be necessary in carrying out the provisions of this Act.

SEC. 10. Where the words publish and publication occur in this Act, they shall mean to publish, or publication in some daily newspaper, or if there shall be no daily, in some weekly newspaper of general circulation in the State, or in the political division in which the publication is to be made; and the words post or posting shall mean to post, or the posting of printed or written notices, in the political division to which reference is made. Where the words Commissioners of the county are used, they shall mean the Board of Commissioners of the county; and the words County Clerk shall mean the Clerk of the Board of Commissioners of the county; when the word electors occurs it shall mean qualified electors.

SEC. 11. The Commissioners of each county, when required, shall furnish, for the use of the Register, election officers, and electors of the several Registration Districts of the county, all books, blanks, stationery,

materials and articles needed in carrying into effect the provisions of this Act. There shall be provided for each Registration District a book, to be known as the Official Register, which shall be ruled with suitable head-lines, and, by vertical lines, into suitable columns, for the following entries: First, number on the Register; second, date of registry; third, name of elector; fourth, fifth, sixth and seventh, for the insertion of figures indicating successive years, as 1878, 1879, 1880, 1881; eighth, age of elector; ninth, where born; tenth, the name of the election precinct; eleventh, description of the person; twelfth, designation of his residence; thirteenth, certificate of naturalization; fourteenth, remarks. There shall be provided to each Registration District blank information sheets, on the first outside page of which shall be a space for the address of the elector, and the notice of the Register, as specified in Section 3, Chapter II. In a column on the left of the first inside page of said sheet shall be written, or printed, consecutively, the titles of all the offices for which nominations are to be made at the next ensuing primary election. Next to this column of titles shall follow three vertical columns for the insertion, opposite the proper titles, of the names of persons preferred by the electors for the several offices, in the order of preference. On so much of the second inside page as may be required for the purpose there shall be, from left to right, five vertical columns, the first for the insertion of titles of elective officers, and the names of such officers whom an elector may wish to have displaced; the second for the insertion of the word For, or Against, opposite the proper title and name; the third, fourth and fifth for the insertion, in the order of preference, of persons preferred by each elector to replace the incumbent of such office. On the second inside page, and in the lower half thereof, there shall be three vertical columns, for the insertion of the statements or recommendations of the electors respectively, as to national, State and local public measures, under the head of National, State and Local. On each page of this sheet shall be suitable head-lines, and headings. There shall be provided blank affidavits, blank certificates of registration, in book form, and with stubs inside large enough to contain the receipts of electors for their certificates; blanks, in book form, suitable for taking a census of the electors, suitable blank delivery and receipt books, for the use of collectors and other receivers of votes, so worded and arranged as to enable the person delivering a vote to certify to the fact, time and place of delivery, and the receiving officer to give each elector a certificate of the receipt, at a certain time and place, of his vote, and so that the certificate of delivery and receipt shall be opposite each other, on the same page, that for delivery being upon the right and easy to detach; transcript books, for containing alphabetically arranged transcripts of the Official Register, for use in election precincts in which the Register's office is not situated; poll books, arranged to contain an alphabetical list of the electors of a precinct, with the number of each elector on the Official Register, at the left of his name; four vertical check columns on the right of the names, one column at the right of the check columns, to contain the number of each vote as withdrawn by the Election Board from the receiving boxes or ballot box, and, at the extreme right, a suitable column for remarks. One ballot book for each election in each election precinct, suitably arranged for pasting therein and numbering, the ballots; tally lists, or sets, consisting of sheets or slips of white writing paper, varying according to the requisitions of Registers, and their estimates as to the number of persons and measures to be voted for, from half to full width of legal cap, or

larger if required, so arranged as to leave a space at the top sufficient for binding the sheets, and for the insertion, as a heading, of the title of an office to be filled, or of the words: Propositions, Declarations, Instructions, Resolutions, or Requests to United States Senators, Acts Submitted; or for the insertion of the title of an office, the incumbent of which any elector may propose to have displaced, and so ruled, with two cross-lines, and by vertical lines, that the respective names of persons voted for, or the designation of propositions, etc., or legislative acts, may be inserted vertically and singly in the spaces enclosed within the vertical lines and the cross-lines. Tally sheets shall be arranged in sets. Along the left margin of the pages of each set, and in each space of that margin, intended for the insertion of a tally mark at the right, under the proper head, consecutive numbers, from one to one hundred more than all the electors of the precinct for which the tally sheets are provided, shall be written or printed, and a number of such sets more than all offices to be filled, or class of declarations or instructions, resolutions or propositions or laws probably to be voted for, shall be furnished for each election precinct at each election. There shall be furnished, for each election precinct, a suitable ballot box, a Register's receiving box, and a sufficient number of Collector's receiving boxes.

SEC. 12. All things required for the use of officers of election and of electors, shall be furnished by the commissioners of the county on the estimates and requisitions of registers, but, if the commissioners shall believe that the estimates of any register are excessive, they may cut them down to within ten per cent. of the number and quantities ordinarily used for the same number of electors. Each register shall report to the commissioners of the county, at the time of making his requisition, the exact number and quantity of unused public books, blanks, articles and materials which remain in his possession.

SEC. 13. Each register shall provide a suitable office in a central, or more publicly convenient location, in his registration district, where he shall perform the official duties required by the Act to be performed at his office; and shall there safely keep all books, blanks, papers and things having reference to the electors or elections, or other public expressions of the district, or for use in elections, in respect to which he has legally prescribed duties.

SEC. 14. The register or his deputy shall attend at his office each day, except Sundays and legal holidays, at least one business hour of the forenoon, after 7 o'clock of the same, and one business hour of the afternoon after 1 o'clock of the same, and as much longer as may be required to transact the business of his office. He shall inform the electors as to these hours by a written or printed notice fastened upon his office door. For twenty days previous to any general election, and fifteen days previous to any special election in his district, the register or his deputy shall attend at his office, from 8 o'clock in the forenoon to 12 at noon, and from 2 o'clock in the afternoon to 4 o'clock of the same. During the three days assigned for receiving votes, previous to the day of election, he shall attend at his office during the same hours of the forenoon, and from 2 o'clock to 5 o'clock of the afternoon; also again at half past 6 o'clock of the afternoon, for the purpose of attending to the duties of receiving the collectors' boxes and opening them, checking, putting the votes into the register's receiving box, etc.

SEC. 15. Each register may appoint, for the following purposes, as many deputies as may be required:

1st. For taking the census of the electors of his registration district.

2d. For receiving votes at the residence, or place of business, or employment, or resort, of electors. Deputies appointed for this purpose shall be called receivers of votes.

3d. To act as registers in election precincts in which the register's office is not situated, three days previous to the day of election, and on and after that day, as a member of the election board. Constables may be appointed as census deputies and as deputies for the collection of votes, and may act as such.

SEC. 16. During the month of January of each year each register shall take, or cause to be taken, a census of the electors of his registration district, commencing not later than the first Monday of that month.

SEC. 17. The time of taking a census of the school children in school districts included in any registration district may be exchanged, at the discretion of the school trustees, so as to correspond with the time of taking the census of the electors, and both the census of school children and that of the electors may be taken by the same person, duly appointed and qualified, for the performance of these several duties. The school trustees may arrange with an officer of the census of the electors for performing this service, and for compensation therefor, which in no case shall exceed that now fixed by law.

SEC. 18. Each register shall publish timely notices of the intended visits of the census taker of electors to the several neighborhoods and localities of the respective precincts, at least ten days previous to such visits. He shall also cause at least three notices to be posted for the same time in the most frequented and public places of each precinct. The notices shall specify that a census officer of the registry will call at the private residences, business places, working establishments and places of public resort of the vicinity, on the — day of January, commencing at —, at half past 7 o'clock in the forenoon, and proceeding [here giving a description of the route] during the business hours of the day, for the purpose of taking a census of the electors residing therein, and correcting the registration lists, and requesting all electors of the vicinity to take notice and so arrange their affairs as best to accommodate themselves and most effectually facilitate the officer in the performance of his duties.

SEC. 19. Each census officer of the registry shall be careful to perform his duties in an agreeable manner and with as much reference to the accommodation and convenience of electors as circumstances will allow; but no such officer, after making the usual signal, shall be compelled to wait for admission at any residence, or working, or business place, more than five minutes, nor upon any person for a statement or proof of the facts as to his right to registry, more than fifteen minutes.

SEC. 20. Each census officer of the electors shall have with him a certified alphabetical list of the registry of electors as it stood at the close of the preceding year, with all particulars as to such elector copied from the official register of the preceding year; a book of blank certificates of registration, so arranged that when the certificates are detached there will be left a stub of sufficient width to contain a description of the certificate, and a receipt for the same signed by the person to whom the certificate shall be given. All certificates of registration shall contain a brief description of the person of the elector. Each register, before going out to take the census, or before handing the book of blank certificates to a census officer, shall make a plain impression of his official seal upon each blank certificate. When a blank certificate is spoiled in the filling out it shall not be detached, and each census officer shall be held to strict ac-

count for all blanks detached. Each census officer shall have also a book of blank affidavits.

SEC. 21. When a census officer of the registry meets a person whom he can identify whose name appears as an elector in his certified list, he shall check his name in the list, noting any change of residence and and tender to him a certificate of registration for the year, upon signing the proper receipt. When calling at a residence indicated in his list as that of an elector, he ascertains that the elector is temporarily absent, the census officer, at his discretion, may accept the sworn or other statement of an adult member of the family of the elector or of a reputable neighbor, that the place is still the residence of the elector, whereupon the officer may check the name on his list, noting the fact of absence and the source of information.

SEC. 22. When a census officer of the registry shall meet an unregistered person who applies to such officer for the entry of his name as an elector, the said officer shall administer to the person the prescribed oath, which shall be filled out in writing in the book of affidavits, signed by the applicant and attested by the officer. If the officer still is not fully convinced of the right of the person to registry he may proceed as directed in Secs. 26-27, Chap. I, of this Act, defining the duty of Registers in such cases. If the census officer shall decide in favor of the right of the person to registry, he shall enter his name in his census book in all particulars as required in Sec. 33 of this Act. The census officer shall then make out and deliver to the person a certificate of registration for the current electoral year, taking the receipt of such person therefor.

SEC. 23. At the close of each census each census officer other than a Register shall deliver to the proper Register all the books and papers with which he was intrusted or which were used by him in the performance of his duties, except the papers necessarily detached and given to electors, and all books and papers relating to such cases shall remain in the proper registry office as part of its permanent records. Registers shall keep the records of the several precincts of their districts separately, except the names of electors of the official registry, which shall be placed therein in the order of entry.

SEC. 24. Each register shall take the lists returned by his census officers and compare them with the official register. In the proper column, at the right of the names in the official registry and opposite each name therein which he finds checked in the census lists, and in the column the figures at the head of which indicate the current year, he shall insert the capitals R. R., signifying registration renewed, and when a new certificate has been given the capitals R. R. C. He shall then add to the official register consecutively the names in the census lists of persons who are registered in the district for the first time, or who, having once lost their right of registration have regained that right, entering all the particulars required under the proper heads. Each Register shall commence to copy from the census lists into his official Register on the first business day of February of each year, and continue the work with diligence to its completion.

SEC. 25. Unregistered persons and electors whose registration has not been renewed for the current year, may apply for registration at the registry office, during official business hours, except at the times preceding and during elections, in which registration is closed.

SEC. 26. Every person applying for the first time for registration shall take and subscribe the following oath or affirmation before he shall be

entitled to have his name registered; provided, that no person who took said oath at the time of a previous registration in this State, and can adduce satisfactory evidence thereof, shall be required to take this oath a second time, to wit: "I do solemnly swear (or affirm) that I am a citizen of the United States, and that, if I shall remain a resident meantime, which I intend to do, I will actually and not constructively, have resided in the State — months, and in the county — days, next preceding the day of the next ensuing election (or in case of a municipal incorporation such time as may be required by the Act of incorporation), and that I am not registered elsewhere in this State. So help me God." [Or under the pains and penalties of perjury.] When a naturalized citizen shall apply for registration he must produce his certificate of naturalization, unless it shall be proved to the Register, either by the oath or affirmation of the applicant, or by that of one or more credible citizens as to the credibility of such applicant, that such certificate is lost, destroyed or beyond the reach of the applicant. If such proof shall be made and the applicant is otherwise qualified, the Register shall enter his name as an elector, provided, in case of loss or failure to produce his certificate, the Register shall ask him the following questions: 1. In what year did you come to the United States? 2. In what State, County, Court and year did you declare your intention to become a citizen? 3. In what State, County, Court and year were you finally admitted to citizenship? 4th. Where did you last see your certificate of naturalization? The answers to the above questions shall be taken down in the form of an affidavit, which shall be subscribed and sworn to by the applicant, retained by the Register, and by him handed over to his legal successor; provided, that the same person shall not be required to make the same affidavit twice in the same registration district.

SEC. 27. Each Register may put such questions to persons applying for registration touching their right to the same as he may deem pertinent and proper. If satisfied of the right of the person to register, the Register may enter the name of the person in the official register. If not fully satisfied in this respect, or if the applicant shall be challenged as to his right to register, the Register shall require him to answer the following questions: 1. Are you a citizen of the United States? 2. Are you or will you be twenty-one years of age prior to the next ensuing election? 3. On the day of the next ensuing election, if remaining meantime therein, will you have resided in this State — months actually, and not constructively, and in the county — days (or in the — city or town — days or months, as required by the Act of incorporation). 4. Are you now a resident of any election precinct in this registration district, and what is the number of such precinct? 5. Are you registered for this election year in any other registration district in the name you have given, or in any other name? If any except the fifth of the foregoing questions shall be answered in the negative, and that shall be answered in the affirmative, the applicant shall not be registered; but if the applicant shall answer all except the fifth of the foregoing questions in the affirmative, and that in the negative, he shall be registered, unless from further questions, or from circumstances or knowledge, the Register shall still believe that the applicant is not qualified to be an elector.

SEC. 28. Applicants whose registration has been refused, or persons whose names have been erased or cancelled by a Register from the list in his official register, when no question of crime is directly involved, shall be entitled to a trial of their right to registration before a board of arbitration, to consist of not less than three reputable electors of the

registration district, one to be selected by the Register, one by the person whose registration has been refused, or whose name has been erased or cancelled in the official register, and the third by the other two electors.

SEC. 29. When a refused applicant for registration, or a person whose name has been erased or canceled on the official register shall submit his case to such board, its decision shall be final as between himself and the Register.

SEC. 30. The members of the board shall be bound upon oath to hear and consider fairly all pertinent evidence presented and to give, according to their best judgment, an impartial and just decision. If the decision of the board shall be favorable to the person whose right of registration has been tried, the Register shall enter his name in the official register.

SEC. 31. Persons not wishing to submit their cases to such a board, whose applications for registry have been refused, or such persons whose names have been erased or canceled in the official register, may appeal to the District Court of the county, or to the Judge thereof, for a writ of mandamus to compel the proper officer to register them.

SEC. 32. Any elector of a registration district may apply to the District Court of the county, or to the Judge thereof, to compel the Register of said district to erase from the official registry, and from all registry lists, the name of any person registered therein, whom the applicant may know, or can prove is not a qualified elector; provided, that the Register and the said person shall have notice and opportunity to be heard before the said court, or the Judge thereof, and of proving the right of such person to registry.

SEC. 33. When the Register is fully satisfied of the right of an applicant to registry, or has been ordered by the proper court to register the name of an applicant whom he has refused, he shall enter, under the proper head in the official register, the name (with the first or given name in full, if practicable), the age and nativity of the elector, together with the number and name of the election precinct, and a particular designation of the house or room in which the person resides, so that the same can be found without difficulty, a brief description of the person of the elector, as to complexion, color of eyes, hair and beard, light—whether below or above medium; form—whether spare, medium or heavy set. When the person so registered is of foreign birth the fact of the exhibition or failure to exhibit the certificate of naturalization shall be noted. If any person shall fail to designate his residence with the particularity described in this section, he shall not be registered.

SEC. 34. The Register shall make out and tender to each person registered, and to each person where registration is renewed, a certificate of registration; and he shall take from each person to whom a certificate is given a written acknowledgment of its delivery attested by the signature of such person.

SEC. 35. A resident, within the meaning of this Act, shall be construed to be a person who has resided, or if he shall remain therein meantime, will have resided in the State and in the county and precinct the time prescribed by law preceding the day of the next ensuing election.

SEC. 36. The electoral year shall commence on the first day of January and end on the 31st day of December of each year. Whenever, in the same year there shall be held, in the same registration district, more than one general or municipal, or special election, any person registered for any one of such elections shall be deemed registered for all subsequent elections in the same year; but electors who have changed their place of residence since their registration shall be requested to give to

the Register due notice of the fact. An elector who shall have left a registration district in the same year after his registration therein, not intending to return, and shall have been absent from the same six months, shall lose his right of registry therein, and on proof of the facts, his name shall be canceled in the official register and in all registry lists.

SEC. 37. On the second Monday of April of each year each Register shall publish and continue to publish for twenty days thereafter, in his registration district, an alphabetical list for each precinct of the names of all the persons therein who have been registered or whose registration has been renewed during the current year, commencing with the surname, and shall also post not less than three notices of the same in some conspicuous place in each precinct during the same time. In the same manner and during the same time, he shall publish and post notices that objections to the right of registration of any person whose name is on any of the lists, or of any person who has been registered since their first publication will be heard by him from 8 o'clock to 12 o'clock in the forenoon, and from 2 to 5 o'clock in the afternoon of each business day, for twenty days, and subsequently whenever such objections shall be presented to him during office hours.

SEC. 38. Whenever, in any city or incorporated town in this State, the general primary election for city or town officers is fixed by law, at any time in each year, previous to the first day of May, the Registers of the respective Registration Districts within such city or town shall publish and post the lists of electors registered, or re-registered, previously during the current year, at least two weeks before, and from that time up to the time of such election, and they shall give notice, in like manner, that objections to the right of registry therein will be heard at their respective offices until the fourth day preceding such election.

SEC. 39. On the second Monday of August of each year, and from that day to the day of the general primary election, each Register shall publish and post lists of the names of those who have been registered, and of those whose names have been erased or canceled on the Official Register since the second Monday of April; and, also, shall publish and post notices that objections to the right of any registered person to registry will be heard from the date of notice to the fourth day previous to the day of the general primary election. On the third Monday preceding the day of the general final election, each Register shall publish and post, in like manner, lists of the names of those who have been registered, and of those whose names have been erased or canceled in the Official Register since the publication of the lists in August, and shall give notice, in the same manner, of his readiness to hear and try objections to the rights of registered persons to registry until the fifth day preceding the general final election.

SEC. 40. Objections to the right to register, and to vote, shall be made, in writing, by a qualified elector, and shall set forth the ground of objection, or disqualification, and shall be sworn to (or affirmed) as true, to the best of the knowledge and belief of the objector. A copy of the objections, with the name of the objector, shall be served on the person, or left at the place of his residence, and with this copy shall be served, in like manner, a copy of a notice requiring the person objected to to appear before the Register, at a certain time and place within the Registration District, and answer, under oath, questions that may be put to him by the Register as to his qualification as an elector; but personal service shall be required when objections are made on the last day that objections can be received. Objections made on this day shall be tried on the

next day thereafter. No such objection shall be tried unless it appear, by the return of the officer, or a sworn statement of an elector of the county, that such objections were duly served by copy, as required by this Section of this Act, at the time specified in the notice, or at another time to which the hearing may be adjourned. After proof of notice the Register shall proceed, if the person shall be present, to examine him, under oath, as to the matters specified in such written objections, and generally as to his qualifications as an elector. If, by such examination, or other evidence, the Register shall be satisfied that the person is not a qualified elector, or, if the person shall fail to appear at the time and place designated in the notice served, or to show cause for his non-appearance, the Register shall cancel his name on the Official Register. Any person whose name has been so canceled may appeal to the District Court, or to the Judge thereof, for a writ of mandamus to compel the registry of his name.

SEC. 41. On or before the tenth day preceding the time fixed by law for the holding of any election in this State, each Register shall appoint a Deputy Register in each election precinct of his Registration District, in which the Registry office is not situated, and in that precinct also, in case of the inability of the Register to serve, to act as Register during the time fixed by law for receiving and counting votes, correcting such count and making up the official returns of such election. The Register shall procure a suitable transcript book for each precinct, except that in which the Registry office is situated, in his Registration District, into each of which he shall have copied, carefully, from the official Register the names of the electors of the proper precinct, making, opposite each name on the transcript book, all the entries in the official Register that may assist in identifying the electors.

SEC. 42. Each Register shall also prepare written or printed alphabetical lists of the electors of the several precincts, for the use of collectors and other legally qualified receivers of votes.

SEC. 43. Each Register shall provide two poll books for each election precinct, into which he shall copy, carefully, from the Official Register, in alphabetical order, the names of the electors of each precinct, and, in the margin, at the left of each name, he shall enter its number in the Official Register. One of these poll books, for said precinct, shall be used by the Register, or a deputy acting as Register, in the same for three days previous to each election, when receiving votes, and when checking and transferring votes received by collectors, and other receivers of votes; and it shall be used also by the Register, or a Deputy Register, when acting as one of the clerks of election, on the day of election, and subsequently in checking and making counts, corrections and returns. The other poll book for the precinct shall be used by the other clerk of the election, for the same purposes, during and after the day of election.

SEC. 44. All wilfully false and corrupt swearing before a Register, or other officer of election legally authorized to administer oaths, shall be deemed perjury, and shall be punished as such.

SEC. 45. Any registered elector about to move, or having moved from one Registration District to another, not less than four days prior to an election, may apply to the Register of the district in which he was registered for the current election year, and have his name canceled upon the Official Register of said district. On application, the Register shall make and deliver to said person a written certificate, stating the date on which he was registered in the Official Register of ——— Registration

District, in the ——— of, in the county of ———, and that the name of said elector has been canceled thereon at his request. This certificate shall entitle such person to have his name registered in any other Registration District of any county of the State for such election, provided that the Register receiving from such person his certificate of registration is satisfied that, if the said person shall continue to reside within the precinct to which he wishes to be transferred, within the district of which that officer is Register, until the day of the next ensuing election, he will then be entitled to vote.

SEC. 46. Before entering upon the duties prescribed by the Act, all Registers or Deputy Registers shall take and subscribe severally, before any officer authorized to administer oaths, the following oath or affirmation, which shall be filed in the offices of the Clerks of the respective counties, to-wit:

I, Register (or Deputy Register) for Registration District No. ———, in the ——— of, in the county of ———, and State of ———, do solemnly swear (or affirm) that I will perform all the duties of Register (or Deputy Register) required of me in and for said Registration District, according to law and the best of my ability, and that, in the discharge of my official duties, I will endeavor honestly to prevent fraud, deceit, or any other abuse of the elective franchise, or of the rights of electors. So help me God (or under the pains and penalties of perjury.)

SEC. 47. The salary of the Register shall be one dollar per annum for each elector registered in his Registration District. Each Register and each acting Deputy Register, shall receive in addition five dollars per day for the three days preceding each election, and the same for each day while receiving votes at his office while acting as a member of an Election Board. For attending at each public meeting of the electors he shall receive, in addition to the above, five dollars. For all copies of records, made at the request and for the use of any unofficial person, he shall receive an additional fee of — per folio. For all certificates of transfer he shall be entitled to an additional fee of ———.

SEC. 48. Collectors and receivers of votes, other than the Register or acting Register, and officers of Election Boards, shall receive ——— cents for each vote received.

SEC. 49. The officer of registry who takes the census, shall be entitled to a fee of ——— cents for every person by him first registered as an elector, or re-registered after having lost his right of registration; and for every person re-registered who had not lost the right, ——— cents. If the Register shall perform personally this duty, he shall receive the above compensation, in addition to that provided for in Section 47, Chapter I.

CHAPTER II.

ELECTION PRECINCTS—INSPECTORS—CLERKS.

SEC. 1. The Commissioners of each county shall establish precincts therein, accurately defining their boundaries, and immediately thereafter shall publish and post notices of this action in each newly formed precinct, accurately describing said precinct. The County Commissioners of each county shall also set off and establish from existing precincts, when it may be necessary, new precincts, upon a petition of ten or more qualified electors of the county, provided they shall be located eight miles or more from any previous polling place, and that the precincts shall be es-

tablished at least twenty days before any general primary, or general final election; and at least fifteen days before primary or final elections, and at least ten days before any special election; they shall appoint two capable and discreet persons, who shall be electors of the precinct, and, either non-partisan or not of the same political party, to act as Inspectors of the election in such precinct. The County Clerk shall make out and deliver to the Sheriff, immediately after the appointment of such Inspectors, a notice thereof, in writing, directed to the said Inspectors, and another notice, in writing, directed to the Register of the Registration District in which such precinct is situated, describing it, and instructing the Register to perform the official acts in reference thereto, required by law, which notice shall be served within ten days by the Sheriff. In each existing regularly established precinct two Inspectors, who shall be electors of the precinct, and either non-partisan or not of the same political party, shall be appointed by the School Trustees having jurisdiction over the public schools therein, in each year, at least twenty days before any general election, and ten days before any special election therein. The Inspectors of each precinct, at each election, shall choose one clerk, who shall be an elector of the precinct. Immediately after their appointment of Inspectors, the School Trustees shall notify the Register of the Registration District which includes the precinct or precincts for which the appointments have been made, of the same; and, within five days after such notice, the Register shall make out and serve upon each of the persons so appointed a notice of his appointment.

SEC. 2. If any person appointed as Inspector for any precinct is unwilling to serve as such, he shall notify the officers by whom he was appointed of the fact within three days of the time of receiving official notice of his appointment. Immediately on such notification the appointing officers shall appoint some other suitable person to fill the vacancy, and within five days thereafter, or immediately if the case be urgent, cause a notice to be served upon such person of his appointment. A failure of any person so to notify the proper officer, within the time stated, of his unwillingness to serve shall subject the person so failing to a penalty of not less than ten nor more than one hundred dollars, to be sued for and recovered by such appointing officers, before any Justice of the Peace, for the use of the county. If, through accident, sickness or inability, at the times previous to the day of election at which the Inspectors are required to attend at the office of the Register, or of a Deputy Register, or on the day of election, or while present as a member of the Election Board, any Inspector may be unable to serve, or if any Inspector shall then be absent, the proper School Trustees, or any one of them, or, in case such School Trustee is not present, the Inspector present may appoint some suitable person to fill the vacancy. If no School Trustee or Inspector is present the Register, or acting Deputy Register, may appoint suitable persons to act as Inspectors until these offices can be filled by the School Trustees. Any School Trustee of the precinct present, when there is such a vacancy, may himself act as Inspector until an Inspector shall be appointed for the same by the proper Board of School Trustees.

SEC. 3. Each Register shall act as one of the clerks of election in the precinct of his Registration District in which the registry office is situated on the day of election, and as umpire in matters connected with the official duties of the election board in regard to which the two Inspectors cannot agree. Each Register shall appoint, for each of the other precincts of his Registration District, a Deputy Register, who is an elector

of the precinct, to act as Register therein during the three days immediately preceding each general election, and, afterward, as one of the clerks of the Election Board for the precinct. The title of such deputy shall be Acting Register. If the person appointed by the School Trustees to act as second clerk shall fail to attend and act, or the Trustees shall fail to appoint such clerk, the Inspectors may select any person having like qualification as themselves to act as such clerk; and, if the Inspectors cannot agree on such election, the Register shall vote for one of the persons nominated for the office by the Inspectors, and thus decide the election. When a deputy, appointed to act as Register in any precinct, fails at the proper time to appear and act, the electors thereof shall immediately notify the Register of the District, who, when satisfied of the fact, shall promptly appoint and dispatch to the proper place within the precinct another deputy, to act in the place of the one absent or failing to act.

SEC. 4. Previous to the time fixed for the performance of any official duties by the Inspectors and Clerks of elections they shall severally take the prescribed official oath, and, in addition thereto, an oath or affirmation in the following form:

I, ———, do solemnly swear (or affirm) that I will perform the duties of Inspector (or clerk) of the election, to be held on the ——— day of ———, according to law, and to the best of my ability; and that I will carefully endeavor to prevent any manner of fraud, deceit, or abuse in conducting the same. So help me God. (Or, under the pains and penalties of perjury.)

SEC. 5. In case no Judge or Justice, who is not a member of the Election Board, shall not be present, the Register or the Acting Register, or either Inspector; is hereby authorized to administer the oath or affirmation to the other Inspectors, and to the clerk of election; and the person who administers the oath or affirmation shall cause an entry of the same to be made in a place in each of the poll books assigned for that purpose.

CHAPTER III.

INITIAL PUBLIC ACTION—INFORMATIONS OF ELECTORS—RETURNS OF SAME.

SEC. 1. Initial and primary, as well as final processes of public action are hereby declared subject to legal regulation and control. In Section 2, hereinafter, provisions are made: First, for gaining information as to the state of public opinion and public welfare; second, for primary elections by all electors of the respective political divisions; third, for final elections.

SEC. 2. Each Register shall obtain, within the proper time, a sufficient number of blank information sheets, such as described in Section 11, Chapter I, of this Act; and on, or not more than five days before the twentieth day of May of each year, shall send by mail, express, or carrier, to be appointed by himself, one such sheet to each elector of his Registration District. On the available space of the second inside page of this sheet, and on the next following page, under the proper headings, as described in Section 11, Chapter I, each elector may write, or have written, or have printed on slips pasted thereon, his careful and specific statements of facts or opinions respecting the evils or benefits of any existing laws, and his recommendations of legislative measures for

the correction of these evils, or the further promotion of the public good. Each elector may insert, in the same manner, on the lower part of the second inside page of the sheet, when the same is available for the purpose, or on a half-sheet attached thereto, expressions of his approval or disapproval of administrative practices and official conduct. Statements or expressions made on printed slips must be verified by the signature of the name or initials of the elector, written by himself. All the titles of offices for which persons are to be nominated, at the next ensuing general primary election, and chosen at the next ensuing final election, shall be written or printed in the space reserved for this purpose, in their proper order, on the left of the first inside page of this sheet. In the proper columns, at the right, opposite each title, each elector may write, or have written or printed, the names of the persons he desires to recommend for each of these offices, in the order of his preference. In each year preceding that in which a United States Senator is to be chosen by the Legislature of the State, the title of this office shall be inserted immediately below the titles of elective officers, and opposite this title each elector may insert, or have inserted in like manner, the name of the person, or the names of the persons, whom he prefers and recommends for this office. In each year when Electors of President and Vice President are to be chosen, two spaces shall be left above the titles of the Presidential Electors, for the insertion of the titles of President and Vice President. In the proper column, at the right of these titles, each elector may express, in the same manner, his preferences and recommendation of persons for these offices. On the upper half, or, when necessary, the whole of the fourth page of this sheet, in the proper spaces, may be inserted: first, the title of the office and the name of any elective officer whose displacement the elector may desire and recommend; second, the word *For*, or the word *Aggainst*; third, in the third, fourth and fifth columns, in the order of preference, the names of persons whom the elector prefers and recommends to replace the officer or officers whose displacement is proposed. Over the first and second of these columns shall be written, or printed, the word *Displace*. Over the three remaining columns shall be written, or printed, the word *Replace*.

SEC. 3. The address of each elector shall be written, or printed, or partly written and partly printed, on the lower part of the first outside page of the information sheet, which is to be sent to him by the Register, and shall be in the following form:

The People of the State of ———, }
and County of ———, }

To ———, Elector of ——— Precinct, ——— Registration District.

Beneath the address, so placed that it will be entirely covered when the sheet is folded, the following notice shall be printed, and signed by the Register:

NOTICE.—In obedience to the act providing legal means for gaining information as to the wants, desires and opinions of the people of this State, you are hereby informed that a general primary election has been appointed by law, to be held in the several election precincts of this county and State, on the first Monday of September next, and respectfully requested to insert, or have inserted, in the proper columns and spaces

in this information sheet, your information, recommendations, desires and preferences as to the public matters, for which legal provision has been made. Any statement, recommendation or expression which you desire to make, except as to public officers, may be printed on suitable slips of paper, which may be pasted in the proper spaces, but the matter contained in these slips must be verified by the signature of your own name or initials, written by yourself.

You will insert, or cause to be inserted, in the following order, and under the proper heads:

1. Your statements of facts and opinions as to the evils, defects or benefits of existing laws.

2. Your recommendations of laws to be made for public benefit.

3. Such expressions as you think called for, as approval or disapproval of administrative practices, and official conduct, local, state and national. [Each statement and expression should be specific and concise, presenting only your definite and well considered conclusions. When several distinct statements or expressions of the same kind are made they should be properly numbered.]

4. The names of those persons whom you would recommend for nomination to the elective offices for which candidates are to be selected, at the said ensuing primary election; (also, in the proper years) the names of persons preferred and recommended by you for the offices of President and Vice President and United States Senator.

5. The names of persons whom you prefer and recommend for local, state and national offices which are filled by appointment.

6. The names of any persons holding elective offices in this State, whom, for public reasons, you wish displaced. The word For, or the word Against, written opposite the proper titles and names will indicate your wish in this respect. Next, in the proper spaces under the head "Replace," insert, or cause to be inserted, in the order of your preference, the names of persons whom you prefer and recommend to replace the officers whose displacement you desire.

In the exercise of the rights and in the performance of the duties thus indicated, every elector should carefully put away all undue personal or party feeling, or prejudice, and act conscientiously for the public good. The law holds you bound by your honor to the sincerity and truthfulness of all statements and expressions made in this information return, but expressly free to revise and change when convinced that the public interest will be better served by different action. It is both the right and duty of every elector at all times, to make what he believes to be the best available choice, the more effectual assurance of which is one of the main objects of the law under which you are to make this return. Please make out, sign and send it to this office on or before the second Monday of June next. Any deficiency of space in this blank under any heading for your use, may be obviated by fastening a half sheet to either page except the first, said additions being properly ruled first to suit their use.

In behalf of the People of the State of ———, }
and County of ———, }

[Register's seal.]

[Signature.]
Register.
——— District.

SEC. 4. Each Register shall pay the postal or express, or other charges on these blanks, and shall enclose with each blank sent by post or express a postal, express card, having in it a printed form of receipt, which he shall request each elector to fill out with date of receipt and signature, and return to him promptly by mail or express. Special carriers shall be required to obtain from each elector to whom they deliver a blank information sheet, such a receipt for the same and return it to the Register. Postmasters and express agents shall be requested by the Register to return or deliver to him all information sheets thus sent, which are not called for by the proper person, within fifteen days after the time of their deposit, in the post or express office. Any elector who has failed to receive his information blank within ten days of the time at which such blanks were sent to the electors of the precinct, on application to the Register shall be furnished with a new one; but the Register may withhold such new one when he has good reason to believe that the application is not made in good faith and for proper use. The Register shall take receipts from all postal and express officers and carriers for each information sheet entrusted to them for delivery; or, when he cannot obtain such receipts from postal officers and carriers for each information sheet entrusted to them for delivery, or when he cannot obtain such receipts from postal officer, he shall take with him to the post office one or more reputable electors of the district and obtain their written certificate of such delivery.

SEC. 5. The blanks to be used in making the summons of returns of information, with suitable modifications, shall correspond with the blank tally-sheets and sets described in Section 11, Chapter I, of this Act; and the method of making the summons, with suitable modifications, shall correspond with the method of making election returns, as to propositions, declarations, instructions, acts and resolutions voted upon at primary and final elections, and with the method of ascertaining the results of nominations for office, and of expressions as to displacement and replacement at primary elections, as provided for and described in Sections 1 to 6, Chapter XIII, inclusive, of this Act. After all the necessary entries are made in all the several sets of summary sheets, they shall be fastened together at their heads for convenient reference. Their footings shall be copied into a book, to be called "The Book of Summaries." Every other page of this book, at the right, shall be blank, and shall be used for noting and entering corrections. The Register, having entered the results as first obtained on the left page, shall enter on the opposite page the proper corrections of all errors he may discover, or that may be pointed out and clearly shown to him by electors. After all corrections are thus entered on the right-hand page, the true results shall be entered on the left-hand page in spaces reserved for the purpose. The Register shall then make abstracts of the returns, omitting the local expressions and recommendations in which not more than one-twentieth, in number, of the electors of the political division concurred.

SEC. 6. Within ten days after the day of final returns of information, the Register shall complete his summaries and abstracts of the same, and make out and publish in the several precincts of his district for twenty (20) days, a notice of the tenor and form and summarising the general results after the following manner, viz:

NOTICE.—Electors of this Registration District have made due return of their informations, and the following is a general summary of the results:

———— electors have concurred in stating that the existing statistics in reference to ——— are defective with reference to ———, and that the following evils result therefrom:

———— electors have concurred in the statement that a statute is required embracing the following provisions: And that the following existing evils are due to the want of such legislation:

———— Electors have concurred in recommending the enactment of a law providing for ———, and have stated the following as the public benefits which, in their opinion, will result therefrom:

———— Electors have concurred in expressing their opinion condemnatory of the practice of ———, in reference to ———, business of the ——— office of this county; and of the official conduct of ———, in reference thereto:

———— Electors have concurred in approval of the action of the Governor of this State in reference to ———.

———— Electors have recommended A. R—— for postmaster of the village of ———.

———— Electors have recommended the retention of N. L——, present postmaster of the village of ———.

———— Electors have concurred in the expression of their confidence, generally, in the present National Administration, and their approval of its action as to ———, and their disapproval of its practice of ———;

[And similar notices of all authorized statements, expressions and declarations, in which a sufficient number of electors have concurred.]

The persons named below have been recommended respectively by the number of electors placed opposite their names for nomination for the office designated. [Here state clearly the particulars. The names of persons who have not received the recommendations of more than one-twentieth of the electors of their respective political divisions for township, ward or precinct offices, and all expressions relative to the public affairs thereof, which do not receive more than that number are to be omitted.]

———— Electors have recommended the displacement of ———, County Treasurer.

———— Electors have opposed his displacement.

———— Electors have recommended ———, to replace ———, as County Treasurer, etc., in place of ———, incumbent.

Now, by direction of law, I hereby notify all persons that the returns and books of information of this district, from which this summary has been given, are ready for examination and verification. Electors are respectfully requested to inspect, correct and verify the same, on or before the first Monday of July next.

[Signature], Register.

Register's Office, etc.

———— District.

SEC. 7. On or before the third day after concluding verification, each Register shall carefully enclose proper abstracts of the Returns of Information, address the package containing them to the Clerk of the county, and send them by mail, express, or other safe conveyance. On the tenth day after the first Monday of July, or sooner if all the returns of the county have been received, the Commissioners of the County shall open and canvass the Returns of Information.

SEC. 8. When recommendations are made in reference to district of-

fiere, of districts containing more than one county, the County Clerks of all the counties of the district, except that which has been legally designated, as provided in Section 17, Chapter XV, as the one to which the returns of the other counties of the district are to be sent, shall send to the Clerk of that county, immediately after the abstracts are made by the Commissioners of the county, an abstract of the returns of the county for district officers. The Clerk of the county to which the returns are sent, on or before the 30th day of July, shall make and certify abstracts of returns of the district, as to district officers, which he shall cause to be published throughout the district from that time to the day of the next general primary election. All fees and expenses incident to the making and publication of the returns of the district shall be apportioned to the several counties of the same, in the ratio of the numbers of their electors. The Clerk of the legally designated county shall also make and send, at the same time, a certified copy of the abstract, as to district officers, to the Secretary of State. Each County Clerk shall make and send abstracts, as to State and national offices, officers and affairs, to the Secretary of State.

SEC. 9. The Commissioners of each county shall complete their canvass of the information returns on or before the 20th day of July, and shall publish abstracts of the same throughout the county from that day to the day of the next general primary election, showing the numbers respectively, of the electors who concurred in each statement, opinion, expression and recommendation, omitting the statements, etc., and names of persons as to county offices, officers and affairs, which were given, or which were recommended by less than one-twentieth of the number of the electors of the county.

SEC. 10. On or before the 15th day of August, the Secretary of State shall make up and certify the returns as to State and national offices, officers and affairs, stating specifically each distinct expression, and the number who concurred therein, and publish abstracts of the same, showing these particulars, from that date until the day of the next general election.

CHAPTER V.

INITIAL AND INTERMEDIARY PUBLIC ACTION IN MUNICIPAL CORPORATIONS—PRIMARY ELECTIONS—OBJECTS—METHODS.

SECTION 1. At least ninety days preceding any general final election of any municipal corporation, the Registers of the several Registration Districts of the municipality shall send blank information sheets to the electors thereof, with directions for the making up and sending in their returns within thirty days, and the general primary election for the same shall be held thirty days thereafter, or on the Monday following the thirtieth day.

SEC. 2. On the first Monday of September of each year there shall be held, throughout the State, a general primary election, for the following objects:

1. For the nomination, in the proper year, of persons as candidates for precinct, township, county, district and State officers, including the offices of Representative in Congress and Electors of President and Vice President; and, in the years preceding the election of a United States Senator by the Legislature of the State, the nomination of persons for the office of United States Senator.

2. For the designation, in the proper year, by the electors of the State, of their choice of persons for President and Vice President of the United States.

3. For the legal and authentic recommendations by the electors of the State with respect to the appointment of designated persons to designated State and national offices, which are filled by appointment.

4. For proposing the displacement of elective officers who are deemed by the electors unfit for their offices, and for the nomination of persons as candidates to be voted for at the next ensuing general final election, to replace such officers.

5. For voting by the electors, "For" or "Against" specific declaration, as to political principles, public policy, and public affairs.

6. For voting by the electors, "For" or "Against," specific propositions as to local, State and national legislation.

7. For specific declarations by the electors as to administrative policy and practice and official conduct, and of their confidence or want of confidence in a local, State or national administration, or any part or officer thereof.

SEC. 3. For the nomination of persons as candidates for office at primary elections, either of the following plans may be adopted, in the respective political divisions of the State, by the votes of a majority of the electors of the same; and, in the State, by the votes of a majority of the electors of the State, provided that the electors in the smaller divisions which have adopted one of these plans must conform to the plan in use in the larger divisions, or in the State with respect to the officers of the larger divisions or of the State. At the first general primary election held under this Act the first plan shall be adopted and observed, to-wit:

First Plan.—Each elector may vote for one person as a candidate for each office;

Second Plan.—Each elector may vote for two persons as candidates for each office, his vote counting for each five-tenths (5-10) or 0.5.

Third Plan.—Each elector may vote for two persons as candidates for each office, his vote counting, according to the order in which the persons are named, six-tenths, four-tenths (0.6) and (0.4.)

Fourth Plan.—Each elector may vote for three persons as candidates for each office, his vote counting, according to the order in which the persons are named, five-tenths, three-tenths, and two-tenths. The value of the vote of each elector shall be the same under each plan, and shall always be a unit, that is to say, one.

SEC. 4. At the first general primary election held under this Act, and at all subsequent general primary election, the electors of the several election precincts and political divisions of this State may vote For or Against, opposite the following titles:

First method of primaries;

Second method of primaries;

Third method of primaries;

Fourth method of primaries.

The plan which receives the highest number of the votes of the electors of any political division shall be adopted and observed in that division in the nomination of persons as candidates for its own offices, until legally changed in the same manner that it was adopted, and the plan

which receives the highest number of votes of the electors of the State shall be so adopted and observed in this State in the nomination of persons for State and national offices.

CHAPTER VI.

FINAL ELECTIONS—OBJECTS—METHODS.

SECTION 1. A general final election shall be held in this State each year, on the next Tuesday after the first Monday in November, for the following objects:

First, for the election of public officers at the general final election in the year 187—, and each two years thereafter. State and district officers, State Senators and Assemblymen, and Representatives in Congress, shall be chosen, and, in the proper year, Electors of President and Vice President. At the general final election in the year 187—, and each two years thereafter, the elective officers of the counties, and of the several political divisions thereof, and also elective officers of municipal corporations, when their election is not otherwise provided for by law, shall be chosen. Second, for voting on all legislative acts legally submitted to the votes of the electors. Third, for voting for or against specific instructions to local legislative boards in the State Legislature, proposed by a majority of the electors of the proper political divisions of the State, at the last general primary election. For voting on instructions, proposed, or, at the request of those officers, to Representatives and Senators in Congress, or to the State Senator or member of Assembly of the district, as provided in Section 8, Chapter XXI, of this Act. Fourth, for voting for or against resolutions of approval or censure of the local, State or national administration, or any part or officer thereof, in regard to which or when a majority of the electors of the proper political divisions, or of the State, expressed their approval or disapproval at the last general primary election. Fifth, for voting for candidates nominated at the last general primary election to replace elective officers, whose displacement was proposed at that election by a majority of the electors of the political division in which the office is held and exercised, or, as to State officers, by a majority of the electors of the State.

SEC. 2. The choice of persons for elective offices, at final elections, until otherwise legally provided, shall be restricted only to the persons now legally qualified for the same. The electors of the several precincts, townships, municipalities, counties and districts of this State, may vote at all general primary elections For or Against the following propositions:

1. The choice, by electors, at final elections of persons for elective offices in any political division of this State, and in this State for State elective offices, shall not be restricted, except by the Constitution of this State, and the Constitution of the United States.

2. Such choice for each office shall be confined to the three persons who received the highest number of votes as candidates for the same, at the last general primary election; provided, with respect to district and State elective offices, that the Chief Justice of this State shall decide that this restriction is consistent with the provisions of the Constitution of this State, as to the choice of persons for these offices. The Attorney General is hereby required to present this question to the Chief Justice, within sixty days after the passage of this Act, for his decision.

3. Such choice for each office shall be confined to the two persons who received the highest number of votes, as candidates for the same at the last preceding general primary election, with the same provisions and requirements contained in the second proposition.

The proposition which receives the highest number of votes in any county or political division of the same, at any general primary election, shall be adopted as the rule for voting in all final elections for its own elective officers, until legally changed in the same manner; and the proposition which receives the highest number of votes at any general primary election, in any district containing more than one county, or in the State, shall be so adopted in such district, or in the State, in the choice of district or State officers at final elections; provided, that the rule thus approved shall be adjudged constitutional with respect to district and State elective offices; but the electors of each county, and each political division of the same, shall conform to the plan in use in final elections in the larger political division of which they form part as to the choice of elective officers of the same, and to the plan in use in the State in the election of State elective officers.

CHAPTER VII.

PUBLICATION OF NOTICES RELATING TO GENERAL ELECTIONS.

SECTION 1. The Commissioners of each county shall prescribe the sizes, texture, and color of the ballots, and the size, make and form of the voting envelopes for enclosing ballots, to be used at each general election; provided, these shall be of a kind, or kinds, not difficult for electors to obtain; and, sixty days before and from that time up to the time of each general election, they shall publish, throughout the county, a notice particularly describing the same.

SEC. 2. The Commissioners of the county shall cause their clerk to make out and deliver to the Sheriff of the county, at least thirty days before any general primary, or general final election, three written or printed notices for each election precinct, which shall state the time of holding the election, and, in their proper order, the officers to be nominated or elected, and all the action which, under the preceding Sections, electors are authorized or requested to take, respectively, at these elections. These notices shall be delivered by the Sheriff to the Registers of the several Registration Districts. The polling places and the places in each election precinct at which Acting Registers will receive votes shall be left blank; also the names of Collectors, the places and neighborhoods which they will visit, and the times of their visits, shall be left blank. These places and times shall be designated by the Register, and, upon the receipt of these notices, he shall fill in properly these blanks. These notices shall be, as nearly as circumstances will admit, as follows:

Notice is hereby given, that on the ——— day of ——— next, in ——— election precinct, of ——— Registration District, there will be held a general primary election (or general final election) for the nomination (or election) of persons to fill the following named offices: [Here name the offices to be filled in the proper order.] In case of a general primary election, there shall be added to this: “And for the following objects.” [Here state all the objects detailed in Section 1, Chapter V, which are to be voted upon.]

In case of a general final election there shall be added the words: "And for the following objects:"

1. To vote for or against the following legislative acts, legally submitted to the votes of the electors: [Here give full lists of these acts, with numbers and titles.]

2. To vote for or against the following proposed instructions: [Here insert the proposed instructions, properly numbered and designated.] To vote on special instructions, asked for by a Senator or Representative in Congress, or a State Senator or member of the Assembly of the Senatorial or Assembly district, [stating the matters to which instructions are desired.]

3. For voting for or against resolutions of approval of the local, State or national administration, or any part or officer thereof.

4. [When it shall appear, from official returns, that the displacement of any elective officer whose term of service extends one year or more from the first Monday of the next January, or as proposed by a majority of the electors of the proper political division; or, in case of State officers, at the last general primary election, the notice shall contain the following:] To vote for either of the following named candidates nominated to replace the incumbents of the offices designated. [Here give the title of each office and the name of the candidates for each office so nominated.]

The Register (or Acting Register) will receive votes at his office in this precinct, [here the place to be particularly described,] during all office hours, on the ———, ———, ——— days of ——— preceding the ——— election. A Collector (or collectors) of Votes will call on the electors of this precinct from ——— of ——— o'clock A. M. to ——— o'clock P. M. of these days (except one hour of each day, for intermission) at their places of residence, business or resort, to receive, in trust, their votes, which they will safely carry and deliver to the Register; or, on the day of election, to the Election Board, as authorized and directed by law.

A. B. ——— Collector, will visit the house of ———, and its neighborhood, during the hours of ———, ——— inst., etc., etc., or pass [over a route to be described] during ——— hours, of ———, ——— inst., etc. All electors desiring to avail themselves of his services will please prepare for his visit, and cause him no unnecessary delay.

The Register shall see that these notices are properly posted in the several precincts at least twenty days before each election, and that they are also published for the same time, in the usual manner.

SEC. 3. ——— days' notice shall be given by the Commissioners of the county, of special elections, which notice shall be filled in with places of voting, etc., in each precinct, by the Register, ———, and by him posted in each precinct ——— days before such special election.

SEC. 4. All expenses of advertising and printing or posting notices, etc., shall be paid out of the County Treasury, on order of the Commissioners of the county, after the accounts have been presented by the proper officers, and have been properly audited.

CHAPTER VIII.

BALLOTS TO BE USED AT GENERAL PRIMARY AND GENERAL FINAL ELECTIONS.

SECTION 1. The ballots to be used at general primary elections shall be:

1. The ballot for officers, including, in the proper years, precinct, township and county, or district and State officers, Representatives in Congress, United States Senator, and Electors for President and Vice President, with designation of persons preferred for the offices of President and Vice President, and, when there is sufficient space, recommendations of persons for State and national offices, to be filled by appointment, may be made on the same ballot. When there is not space for this, a separate ballot must be used for this purpose. The titles for elective offices shall be arranged on the ballot in the order fixed by law.

2. Propositions for the displacement of elective officers, and the nomination of persons to replace the same, shall be on one ballot. This ballot shall be so arranged that the elector may vote For or Against the displacement of an elective officer.

3. Specific propositions, as to legislative action, shall be upon one ballot.

4. First, specific declaration, as to political principles, public policy, and public affairs, shall be on one ballot; second, specific declarations, as to administrative policy and practice, and the official conduct of public officers, and of confidence or want of confidence, in a local, State or national administration, or any part thereof, may also be on the same ballot, when the space is sufficient; or,

5. The second class of declarations may be on one separate ballot. All propositions and declarations shall be stated separately and distinctly, and a space shall be left opposite each specific proposition and declaration, at the right of the ballot, in which may be written or printed the word For or the word Against. The ballots shall have suitable titles, written or printed at their heads, as: 1, officers; 2, displacement or replacement; 3, legislative propositions; 4, declarations, first class, or first and second class; 5, declarations, second class.

SEC. 2. At general final elections the following named ballots shall be used:

1. For voting for persons for elective offices.

2. For voting for or against legislative acts.

3. For voting for or against specific instructions.

4. For voting for or against resolutions of approval or disapproval of a local, State or national administration, in whole or in part, or of the official conduct of any officer thereof.

CHAPTER IX.

RECEIVERS OF VOTES—COLLECTORS—THEIR DUTIES.

SECTION 1. There shall be appointed in the several Registration Districts, by the Register thereof, as many Receivers of Votes as may be required. The duties of a Receiver of Votes shall be to receive votes in trust from electors during the three days preceding and on the day of election, at the places and in the manner hereinafter designated and described, and to send or carry and deliver them to the Register and one or more Inspectors during the three days preceding such election, or on the day of election, to the Election Board. The Register shall be *ex-officio* a Receiver of Votes.

SEC. 2. The Register shall appoint for each precinct of his Registration District as many deputies, to be called Collectors of Votes, who shall be receivers of votes, as may be necessary. It shall be the special duty

of Collectors to visit the electors at their residences, business places, working establishments, places of resort, and other convenient places, within the precinct, or Registration District, from 7 o'clock in the forenoon to 6 o'clock in the afternoon, during the three days preceding an election; and from 6 o'clock in the forenoon to 4 o'clock in the afternoon, on the day of election, except one hour each day, which they may take for refreshment. Collectors shall be selected with special reference to their intimate acquaintance with the respective localities of their precincts, and the occupations and circumstances of the electors; and, more especially, with reference to their politeness, activity, fidelity and general adaptability for this service. They shall endeavor, as much as possible, to accommodate those electors who are closely occupied in industrial, commercial or other respectable employments, by calling upon them at the places and times most convenient for the preparation and delivery of their votes. When six or more electors shall send timely information to the Register, or Acting Register, as to the place, within the precinct or Registration District, and the time at which they wish to deliver their votes, the Register, or Acting Register, shall direct the proper Collector to call upon them at the place and time designated, when he can do so without neglect of his more general duties.

SEC. 3. Want of proper attention to an elector, and especially any rudeness toward him by a Collector or other election officer, will be punished as provided in Section 1, Chapter XXVIII, of this Act; but collectors shall not be required to submit to unreasonable annoyance or delay. Electors who desire to avail themselves of the services of these officers, should be as prompt in the preparation and delivery of their ballots as circumstances will admit. Collectors calling at any place or residence, shall not be required to wait for admission more than five minutes, after making the proper signal, nor more than ten minutes, for any elector to prepare and deliver his vote.

SEC. 4. Each Receiver of Votes shall be provided with an alphabetical list of the electors of the precinct, containing descriptions of the persons and residences of the electors; delivery and receipt book, a book of blank affidavits, a suitable seal or stamp, and a suitable quantity of blank ballots and voting envelopes, of the legally prescribed sizes and quality, which receivers may furnish to electors who may apply to them for the delivery of their votes; they shall not write or suggest the writing of any name or thing upon the ballots. Collectors of votes shall be provided also with a receiving box, a suitable sack, conveniently arranged, and with all other materials and conveniences which, by experience, have been found to facilitate and expedite the discharge of their duties.

SEC. 5. Due notice shall be given, as specified in Section 2, Chapter VII, of the times of visits of Collector at the principal places and neighborhoods of each precinct. These visits shall be specially and carefully arranged by each Register with a view to the greatest public convenience.

SEC. 6. No Collector or Receiver of Votes, nor any officer of an Election Board, except the Register, shall receive the vote of any person whose name is not in an alphabetical list of the electors of such precinct, furnished by the Register, or in the poll books furnished by him for such precinct; provided, that an elector whose name has been omitted in copying from the Official Register, may have the same inserted in its proper place on such lists, or on the poll books, before the day of election, by virtue of a written authority of the Register, attested by his official seal; and that the vote of such a person, whose name is not thus

restored, on proper proof of that omission, may be received by the Election Board at any meeting of the same, held after the preliminary count.

SEC. 7. The fact of the appearance of the name of any person as an elector on the alphabetical check lists furnished by the Register shall be *prima facie* evidence to collectors, and other receivers of votes, of the right of such elector to vote, and the appearance of a name on the poll books furnished by the Register, shall be *prima facie* evidence to the officers of an Election Board of the right of such person to vote; provided, that when, from knowledge or information, any Receiver of Votes, or officer of an Election Board appointed to receive votes, shall have good reason to believe that the person who offers the vote is not the person who was registered in the name he gives and claims as his own, the vote of such person shall not be received until he has proved his identity as the person who was registered in that name.

SEC. 8. When a person applies to a Receiver of Votes elsewhere than at the election polls, for the purpose of delivering to him his vote, the officer shall first see that his name is on a certified Registry List; or, if the Register shall be the receiving officer, on the Official Register. If the name is found thereon, the Register may question the person, under oath or otherwise, as to his identity, and the said officer may demand the production of the person's certificate of registration, or the testimony of two respectable citizens, under oath, as to his identity; after which the Receiver may proceed, as prescribed in Section 8, Chapter XI, in the case of an elector who is challenged before an Election Board. If, after this, the Receiver still has reasonable and strong doubts as to the identity of the person, he may refuse to receive his vote; but the person whose vote has been so refused may present himself to the Election Board, either on the day of election or after its close, state the fact that his vote was refused by the Receiver, and appeal to the Election Board against the decision of that officer; when, on presentation of satisfactory proof of his registration and his right to vote, his vote shall be received. When a vote is tendered to an election officer, by any person, in a name which is already checked on the officer's registry list, or in the poll books of the election precinct, the question of identity shall be at once raised and decided, in the manner prescribed in this Section; and, in counting, the rightful vote shall be received and the other rejected, a mark being put upon the voting envelope of the legal, or of the illegal vote, by which they may be distinguished from each other.

SEC. 9. Any elector may obtain from any of the receiving officers, or the Election Board of his precinct, a certified duplicate of his ballot. When an elector, who does not wish to obtain certified duplicates, desires to deliver his vote, he shall enclose his ballots in a proper envelope, seal or close the envelope, and write his name, or have his name written, legibly across its face. The receiver, officer, or Inspector shall then receive the envelope from the elector, and, in his presence, stamp or write his own name and office across its face, extending this stamp or writing across the place where the envelope was closed. Electors may sign their ballots, to be thus delivered, before enclosing them, and may be advised, but not urged, by election officers, to do so; or they may impress upon their ballots any seal or stamp, or make upon them any mark by which they can identify them. Upon the receipt from an elector of his voting envelope the receiving officer, or Inspector, shall make out and sign a receipt for it, stating time and place, and shall take from the elector a written acknowledgement of the delivery of the vote in the prescribed form, stating time and place and the name of the officer, which

acknowledgment shall be signed by the elector, or, if the elector cannot sign, the acknowledgement shall be signed by another elector whom he shall designate. When this acknowledgment is given the receiving officer shall check the name upon his list, hand the proper elector his receipt, and, in his presence, put the voting envelope into his receiving box.

SEC. 10. When an elector wishes to obtain certified duplicates of his ballots, he shall prepare and sign the originals and the duplicates. He shall hand the duplicates to the receiving officer, or Inspector. He shall then read from the originals, beginning with the ballots for elective officers—first, the title of the office, and next, the name of each person for whom he votes, as a candidate for the office, or to fill the same. As he reads each name and title, it shall be checked by the receiver, or Inspector. When the duplicate ballots are thus disposed of, the elector shall take the ballot for displacement or replacement, should there be one, and he and the officer shall proceed in the same way. The elector shall then take successively each ballot, in the order designated in Sections 1 and 2, Chapter VIII, and read from them, one by one, each legislative act, and each distinct proposition, declaration and resolution, which, as read, the receiver or Inspector shall check. When this is done the officer shall take the originals and compare them with the duplicates, correct discrepancies and errors, and stamp the duplicates with his stamp, and hand them to the elector, who shall then proceed with the originals, as prescribed in Section 9, of this Chapter, with respect to the delivery and receipt of votes.

SEC. 11. The Register's receiving box and the ballot box shall be of suitable material and construction. The receiving boxes of collectors shall be of tough sheet metal, with a suitable handle, and of proper size. All receiving and ballot boxes shall have a slit at the top of the precise dimensions required to admit a voting envelope of the prescribed size, containing all the ballots which an elector is authorized to enclose therein, and so arranged that a vote once put into the box cannot be withdrawn. All receiving boxes shall have two good locks and keys of different kinds, and all ballot boxes one suitable lock and key.

SEC. 12. Between the hours of 4 and 6 o'clock, in the afternoon of the fourth day preceding an election, each Register, or Acting Register, shall deliver, at his office, to each collector of the precinct, in the presence of one or more of the Inspectors of the same, a collector's receiving box. The box shall be carefully examined by the Inspectors, and the Register, or acting Register, to see that nothing is contained therein. It shall then be carefully locked by the Register, or Acting Register, and one Inspector, each retaining a key. A paper shall then be pasted over each lock, and so marked that it cannot be removed without giving evidence, by its appearance, of the fact. The box shall then be delivered to the collector. At the same time and place the receiving box of the Register, or Acting Register, shall be locked and sealed by one or both of the Inspectors, each Inspector retaining a key, or, when but one Inspector is present, he shall take both keys, handing one to the other Inspector at the first opportunity.

SEC. 13. Each collector of votes shall make a daily return to the Register, or acting Register, of the proper precinct at half past 6 o'clock of the afternoon during the three days preceding the day of election, and there publicly, in the presence of one or more Inspectors, deliver to him his receiving box. An Inspector shall publicly unseal and unlock this box, and take therefrom, one by one, the voting envelopes, calling each

successive name found thereon. The other Inspector, or some person to be designated by the Inspector present, shall check, or double check, each name, as called, on the collector's registry list. The Register, or acting Register, shall check each name, as called, on his poll book, in the first checking column at the right of the name. As the names are thus checked, the envelopes shall be put into the Register's, or Acting Register's, receiving box, publicly, by an Inspector. When, on examination of the collector's list, it is found that there are names thereon which were checked by him that have not been double checked, or checked by the Register, or acting Register, the collector shall be asked to explain, if he can, the discrepancy. The Collector's delivery and receipt book shall be examined, and if this presents evidence that the vote of the elector whose name was checked by the collector, but whose vote was not found in his receiving box, was delivered to the Collector, the elector shall be informed, by publication or notice served upon him personally, and notified that his vote will be received by any election official authorized to receive votes. If the Register, or Acting Register and Inspector, shall believe that the loss of the vote was accidental, the collector may be permitted to resume his duties. If they shall not be satisfied of this, he shall be discharged from his office, and the Register, or Acting Register, shall appoint some other qualified person to act in his place. If votes of electors are found in the collector's box against whose names, in the Collector's list, there are no checks, reference shall be made to the collector's delivery and receipt book, and if that presents evidence that the votes were delivered, the proper checks shall be entered, and the envelopes containing the ballots voted shall be put into the Register's, or Acting Register's, receiving box. If the delivery and receipt book presents no evidence of the delivery of such votes, they shall be withheld and placed in charge of the Register, or acting Register.

When all the votes are taken from the collector's boxes, checked and put into the Register's, or Acting Register's, receiving box, or are otherwise legally disposed of, and all necessary entries and corrections are made, the Collector's boxes shall be relocked and resealed in the manner provided in Section 12, Chap. IX, of this Act, for locking and sealing the same, and shall then be handed to the proper collectors. On the day of election, collectors shall deliver their boxes to the proper Inspector at 5 o'clock in the afternoon; also their delivery and receipt books, books of affidavits, and registry lists.

SEC. 14. The Register and acting Register shall receive votes at their offices from 7 o'clock in the forenoon to 5 o'clock in the afternoon, during the three days next preceding a general election, in the same manner prescribed in the foregoing sections for other receivers of votes, but shall check the names of electors as their votes are received on the list of electors entered on his poll book, the Register impressing his seal, and acting Registers their seals or stamps upon duplicate ballots. The Register, or acting Register, shall check each vote received, in any authorized way, before the day of election, in the first column in his poll book at the right of the list of names opposite the name of each elector whose vote has been received, and shall indicate by letters, or otherwise, by and through whom the vote was received.

CHAPTER X.

POSTAL, EXPRESS, TELEGRAPH AND OTHER FACILITIES—PRIVATE MESSENGERS.

SECTION 1. The majority of the electors of any county, or political division thereof, by their votes, given at a general primary election, or at public meetings of the electors, may authorize and require the Registers of the district or districts included, in whole or in part, to appoint such officers or employes of designated express, telegraph, or other companies, who may have conveniences for this service, or may be legally authorized to act as receivers and carriers of votes within such district or districts, or parts of the same; or they may decide that the postal facilities of the General Government may be used therein for these purposes. The majority of the electors may provide, also, for the appointment by the several electors of such district or districts, or parts of districts, of private messengers, to carry and deliver their votes.

SEC. 2. The said electors, when giving such authority and making such requirements, shall state distinctly the arrangements they have authorized, and these shall be certified to officially by the election officers, or officers of the public meetings of the electors. The Register, or Registers, thus instructed, shall proceed at the time and in the manner specified, to make the arrangements authorized and required, if practicable; and when they have done this, they shall give notice by publication in the usual way, for thirty days, in the proper district, or districts, precinct, or precincts. A company, or companies, so authorized shall designate, officially, those of their officers, or employes, assigned by it, or them, to this service; and if these officers and employes are approved by the proper Register, or registers, they shall be duly sworn, instructed and authorized by the proper Register, who shall furnish them with registry lists, books, etc., as provided in Section 4, Chapter IX. The officers of express, and other suitable companies, may be authorized to act as collectors of votes, subject to all the legal requirements of those officers. They may also be authorized to receive votes at designated offices, or stations, within the several precincts, in the same manner as other receivers of votes, under such additional requirements and securities as the majority of the electors may prescribe.

SEC. 3. Telegraph operators within the district, or districts, precinct, or precincts, referred to in Sections 1 and 2, Chapter X, may be selected, authorized and provided, as prescribed in Section 2, Chapter X. The majority of electors of one or more registration districts may authorize the sending of votes of electors of such district, or districts, by telegraph from any part of the United States, within a certain time, not exceeding four days previous to an election, by the said electors, to the proper election officers of the same, and their receipt by such officers, in accordance with the provisions of Section 4 of this Chapter, and such additional requirements as may be made by the electors giving notice of such authority.

SEC. 4. Persons applying for the transmission of their votes must produce and deliver to the telegraph, or postal officer, their certificate of registration. The telegraph operator, or postal officer, who receives a vote, shall certify to the delivery to him of the certificate of registration by the applicant, and that he agrees in person with the description contained in the certificate, or, if the person does not so agree, his vote shall be refused. Ballots intended for transmission by telegraph, or post, must be made in duplicate, in the manner prescribed in Section 10, Chapter IX, of this Act. The operator at the telegraph office, at which the

vote is received, immediately after the certification of the duplicate ballot, or ballots, shall send to the telegraph office in or nearest to the election precinct at which the vote is to be delivered, a copy of each ballot, and his certificate that the person agrees with the description above referred to, when the operator, who received and sends the vote, knows the person thus voting, he shall certify to his identity. If the person is not known to him, he shall obtain and send, at the same time, by telegraph the certificates, under oath, of two reputable citizens of the vicinity, known to him, of the identity of the person. The operator at the telegraph office, to which the ballot or ballots are sent, after writing them out, shall have them repeated by the sending operator, and, if there are errors in the copy, or copies, he shall correct them. He shall then enclose the corrected copy, or copies, of the ballot, or ballots, in a single envelope, and write upon it the name of the elector and the words:

Vote of _____, sent from _____ office, by _____, operator; at _____ o'clock. Received at _____ office _____ o'clock.
(Signed) _____, Operator.

He shall then place, in a larger envelope, the certificate, or certificates, received from the sending officer, and in this envelope the envelope containing the copy or copies of the ballot or ballots, and address this last named envelope to the Register, or acting Register, of the proper precinct. He shall then send the votes and certificates, thus enclosed, by the proper telegraphic messenger to such Register, or acting Register, who shall sign the usual receipt upon the telegraph delivery book. The sending operator shall enclose the original ballot, or ballots, and the certificate of registration by the first mail, and send the same in a registered letter to the proper Register, or acting Register; and he shall retain the duplicates. Postmasters shall proceed in the same manner in the receipt of votes, but shall send immediately after the receipt in a registered envelope the original ballots and certificates, separately enclosed and properly superscribed, to the postmaster in or nearest the precinct to which the vote is sent. Votes may be sent by telegraph four days previous to the day of election, and until 4 o'clock of the afternoon of that day, and votes may be sent by post ten days previous to the day of election, and up to the time when they can reach the proper election officers by noon of that day. Votes sent by telegraph or mail to the Register, or Acting Register, on the day of election, when received, shall be handed by him to the Inspector, who receives votes. Registers, or Acting Registers, and Election Boards, may withhold any vote received by telegraph, or mail, when the name in which it is sent is already checked in the registry list, or poll books, and when there is, for any cause, good reason to doubt its legality. Upon proper proof, such vote so withheld, may be received by the Election Board after the preliminary count, but the special facts of each case must there appear in the official proceedings of the Board.

SEC. 5. Private messengers may be authorized and appointed in either of the following methods:

1. Any elector may authorize in writing any person, of lawful age, to perform for him this service, the written authorization to be in a form prescribed by the Register, and to be filed, for record, in the Registry office of the proper Registration District. The person thereby authorized shall make himself personally known to the Register, or acting Register. The person thus authorized may act as the agent and representa-

tive of the elector, by whom he has been appointed, in the delivery of his vote to the Register, acting Register, or Election Board, performing all the acts in reference thereto that, by law, are required of electors; but, in all cases, those officers may require satisfactory proof of the identity of the messenger.

2. Any elector who desires to avail himself of the benefits of the following provisions, shall cause to be filed in the office of the Register a paper containing an impression of some seal, or marked with some cypher or device, as his own peculiar seal, cypher, or device, neither of which shall be so much like any other on file in said office that it may not be readily and clearly identified. Such elector shall make, in brief form, to be prescribed by the Register, a general authorization to any person bringing with him a written authority, signed by himself, and impressed with his seal, or marked with his cypher or device, to carry and deliver to the Register, acting Register, or Election Board, his vote; provided such person shall be an employe of said elector, a member of his family not under twelve years of age, a neighbor of said elector, or his confidential friend. If the person, coming within this description, can be identified by or before the Register, acting Register, or the Election Board, the vote of the elector thus sent and delivered shall be received in the usual manner, the agent being required to act for his principal, as in all other cases. All votes delivered by private messengers shall have the name and title of the messenger written on the voting envelope, below that of the elector. Electors making use of any of the agencies or conveniences authorized and provided for in Sections 104 to 105, inclusive, shall do so at their own charge and expense.

CHAPTER XI.

VOTING AT THE POLLS.

SECTION 1. At all elections to be held under this Act, the polls shall be opened at the hour of 8 o'clock in the forenoon, and continue open until 6 o'clock in the afternoon, at which time the polls shall be closed. Upon opening the polls, one of the Inspectors shall make proclamation, by voice, of the same. Thirty minutes before closing the polls, proclamation will be made in the same manner, that the polls will be closed in half an hour; but the Board, at their discretion, may adjourn the polls for one hour at any time they may think proper during the day, before 4 o'clock in the afternoon, vocal proclamation being made of the same.

SEC. 2. One ballot box shall be used at each place of polling. Before the opening of the polls the ballot box shall be examined carefully by all the members of the Election Board, to see that nothing remains therein. The ballot box shall then be locked and sealed, and the key thereof delivered to one of the Inspectors, designated by the Election Board, and it shall not be opened until after the polls are finally closed.

SEC. 3. The Register, or Acting Register, shall be present with the poll books, and shall hand one of the poll books to the clerk for his use. He shall furnish the Inspector, who is to receive votes directly from the electors, with a suitable stamp, which he shall use as prescribed in Section 9, Chapter IX, of this Act, for receiving votes. The Inspectors shall receive votes during the time in which the polls are open, and judge as to the identity and rights of electors. In matters of difference relating to such identity or rights, they shall refer to the Register, or Acting Reg-

ister, and if, after such reference, they cannot agree, the Register, or Acting Register, shall decide between them. The books containing receipts for certificates of registration, with signatures of electors and other books and papers, authorizations to private messengers, etc., and photographs or other likenesses, that may assist in identifying electors or messengers, shall be placed by the Register where they will be easily accessible to the officers of the Election Board. Each Register shall furnish each deputy appointed by him to act as Register in any election precinct, all things of this kind relating to the electors of such precinct, and such Acting Register shall place them, in like manner, where they will be most convenient for the use of the Election Board of such precinct. These means of identification may be used as occasion may require by the Inspectors. The Register, or Acting Register, shall assist the Inspectors so far as he can, when called upon, as to proof or disproof of identity.

SEC. 4. The poll books shall be arranged as follows: First, on the left of the page, the number of the elector on the Official Register. Second, next, to the right of these numbers, the names of the electors of the precinct, alphabetically arranged. Third, at the right of this list of names five or six vertical lines, forming columns, the requisite spaces to be used as checking columns. Fourth, a vertical column, separated in the same manner, for the insertion of the number of the vote, as withdrawn for count. Fifth, a column of sufficient width, at the extreme left, for remarks. At the head of each page shall be written, or printed:

Poll Books for ——— Election Precinct, Township No. ———, County of ——— and State of ———, for the ——— election of ———, A. D. 18——.

SEC. 5. When a vote is received by an Inspector, and not objected to, the Inspector should read audibly the name of the elector on the envelope. The Register, or Acting Register, and the clerk, shall then examine the list of names of electors in their respective poll books, and, if the name is found therein, and no check is found against it on the poll book of the Register, indicating that the elector has already delivered his vote, a check shall be placed in the first checking column of their respective poll books by the Register or Acting Register, and the clerk, and the Register, or Acting Register, first, and then the clerk, shall repeat the name audibly and say "Check," when the envelope, enclosing the ballots, shall be put by the Inspector into the ballot box. If a check against the name is found in the proper checking column in the Register's poll book, the vote shall not be received.

SEC. 6. Electors shall deliver the envelopes containing their ballots, properly superscribed, publicly to one of the Inspectors; but, if any elector wishes to get certified duplicates of his ballots, these shall be given to him in the same manner prescribed in Section 10, Chapter IX, by the other Inspector, who, when this duty has been fully attended to, shall hand the sealed and properly prepared envelope containing the original ballots to the Inspector who receives votes, when the officers of the Election Board shall proceed as prescribed in Section 5, Chapter XI.

SEC. 7. All the requirements in Sections 6, 7, 8, 9 and 10, Chapter IX, of this Act, relating to the delivery and receipt of votes, when not otherwise specially provided for, shall be strictly observed by the officers of each Election Board. No person shall be allowed to vote at the polls whose name is not on the poll books, or who shall refuse to comply with the requirements of Section 8, Chapter IX, and Section 8, Chapter

XI, of this Act. The presence of the name of any person on the lists of electors in the poll books shall be, to the Inspectors, conclusive evidence of the right of the person to vote; provided, that such person may be required to give true answers to questions that may be asked him by the officers of the Election Board touching his identity.

SEC. 8. Any person offering to vote may be challenged, orally, by any elector of the precinct, on the ground that he is not, as claimed, the person entitled to vote, or that he has already delivered his vote to an election officer during the three days previous to the day of election, or on that day. When the person is thus challenged, the Register, Acting Register, or an Inspector, shall tender to him the following oath:

“You do swear (or affirm) that you are the person whose name is entered in the registration list of this precinct, and that you have not delivered your vote for the pending election to any Collector or other officer of election.”

If such person shall fail to take the oath so tendered, he shall not be allowed to vote. The Register, or Acting Register, and the clerk, each, shall enter the word “Challenged” on his poll book, opposite the name of such challenged person who does not prove satisfactorily, by oath or otherwise, his right to vote.

SEC. 9. When the polls of the election have been closed finally, the Election Board may take one hour for refreshment, the receiving boxes of the Register, or Acting Register, and of Collectors, and the ballot box, being placed meantime in the possession of different officers of the Election Board, after being locked and secured, as provided in Section 12, Chapter IX, the key to the ballot box being held by a different officer of the Board from the one who has the box; and when a box has two keys, these and the box shall be held separately by three different members of the Board. The Register, or Acting Register, shall keep possession of his own poll book, and the poll book of the clerk shall be held by one of the Inspectors. Like disposition shall be made of the boxes, keys and books, until the completion of the official count, during the times of the adjournment of the Board. The ballot book and tally sets, after being used, shall each be kept at such times by an officer, or two officers, of the Election Board, to be selected by themselves.

CHAPTER XII.

OPENING RECEIVING BOX AND BALLOT BOX—TAKING OUT, OPENING AND CANVASSING VOTES.

SECTION 1. When reassembled, the Election Board shall proceed immediately, in public view, to open the Register's, or Acting Register's receiving box. They shall have them with the poll books, the ballot books, and the requisite number of sets of tally sheets. The ballot book shall be paged, and its blank leaves prepared with some mucilaginous and firmly adhesive substance, so that, with slight preparation, the ballots can be pasted easily and securely therein. The receiving box of the Register, or Acting Register, after being opened, shall be placed in charge of one of the Inspectors, to be agreed upon by the members of the Election Board, who shall proceed to take therefrom, one by one, the envelopes which contain the ballots, call out audibly the name of each elector which he finds written upon the same, and look at the opposite side of

the envelope to see whether it has been tampered with. The Register, or Acting Register, shall examine the list of electors in his poll book, and if he finds the name, with a check entered against it, in the proper column, he shall double check it in the same column; and if he finds no such check, he shall check it in that column singly. The clerk shall examine the list in his poll book, and, when he finds the name, check it in the first checking column, when first the Register, or Acting Register, and then the clerk, shall repeat the name audibly and say "Checked." The Inspector shall then open the envelope, at one of its ends, and take therefrom the ballots. In both primary and final elections he shall first take the ballot for officers and hand it to the other Inspector, who shall have possession and care of the ballot book. In primary elections, he shall continue to hand to the other Inspector the several ballots, in the order in which they are named in Section 2, Chapter VII, of this Act; and, in final elections, he shall continue to hand them, in the order in which they are named in Section 3, Chapter VII.

SEC. 2. The Inspector who has charge of the ballot book shall paste these ballots, side by side, or consecutively, in the same order in which they are received by him, and, when all the ballots contained in the first voting envelope so taken out and opened have been thus disposed of, he shall number each of said ballots One, and continue to dispose of all the ballots of each elector as presented him, in the same manner, and to number them in the order of the withdrawal of the votes from the receiving boxes and the ballot box, all the ballots of each elector having the same number.

SEC. 3. When all the ballots of an elector are thus pasted and numbered, the Inspector having the ballot book shall repeat the name (which, if he cannot recall, shall be given to him by a member of the Board.) The checking columns, at the right of the first checking column, shall have printed, or written, at their heads the titles of the several ballots, or titles under which the several ballots authorized by law will properly come, as: for general primary elections, offices, displacement and replacement, propositions, declarations, first class; declarations, second class; and for general final elections, officers, acts submitted, instructions, resolutions, etc. The Inspector last referred to will then call these titles successively, waiting each time for the entry of the proper check by the Register, or Acting Register, and the clerk, who shall check for each ballot, under its proper title, opposite the name of the elector, and the Register, or Acting Register first, and then the clerk, shall say "Checked;" when, after all the ballots are checked, each shall enter in the proper column, opposite the other entries, the number of the vote as withdrawn. The Inspector having charge of the receiving box shall then hand the voting envelope to the other Inspector, who shall examine it to see that no ballot remains therein, and then file the envelope for future reference. The officers of the Election Board shall proceed, in this manner, with each vote, until all the votes are withdrawn from the Register's, or Acting Register's, receiving box, and disposed of, as above prescribed. When votes are found in any receiving box or ballot box in names which are not in the proper registry lists, or on the poll books, they shall be rejected.

SEC. 4. The Election Board shall then open the receiving boxes of the Collectors, delivered to the Board on the day of election, and proceed to dispose of the ballots therein, as prescribed in Sections 1, 2, and 3, of this Chapter, except that the Register, or Acting Register, as well as the clerk, shall enter a single check in the column of his poll book

against each name. When this work is completed, the Inspector who opens the votes, shall compare, with the Register, or Acting Register, and the clerk, the checks on the Collector's list with the checks in the first check column of their respective poll books, and all discrepancies shall be noted carefully, opposite the names of electors in respect to whom they appear. If any checks are found on the Collector's list of names of electors whose names have not been found in the box, the Election Board shall proceed generally as provided, in the same case, in Section 13, Chapter IX, reserving publication and notification of electors whose votes are not found until the completion of the preliminary count.

SEC. 5. When all the votes contained in the receiving boxes of the Collectors shall be disposed of, as prescribed in Section 2, of this Chapter, the Election Board shall open the ballot box and proceed, as provided in Sections 1, 2 and 3, this Chapter, the Register, or Acting Register, and the clerk each checking singly in the first check column as each name is first called.

SEC. 6. When all the votes found in the ballot box are thus disposed of, the officers of the Election Board shall review and compare their work. The first checking columns of the two poll books shall be first compared. When it shall be found that no check in the first checking column of the clerk's poll book, opposite the name of an elector which has a single check in the corresponding column of the Register's or Acting Register's poll book, the Register's, or Acting Register's delivery and receipt book shall be examined; and, if it presents evidence that the vote was delivered and received, or facts tending thereto, and the poll books show no entries of ballots in that name, the facts shall be briefly noted by the Register, or Acting Register, and clerk, in the column of remarks. If the poll books give evidence that the vote of the elector was received, the ballot book shall be examined, and if his ballot or ballots are found pasted therein, the proper correction shall be made in the poll books. The Register, or Acting Register, and the clerk shall then compare all the entries in their poll books, and correct omissions and errors, referring to the ballot book when necessary. When they cannot agree as to these, they shall refer to the Inspectors, who shall order the proper corrections; and the poll books shall be made thus to correspond. When the Inspectors cannot agree, such corrections shall be made as are directed by a majority of the members of the Election Board. In every case in which the vote of an elector, whose name was checked by the Register, or Acting Register, or by the clerk on the day of election as having voted, is not found in the ballot box, the fact shall be noted opposite the name, in the column for Remarks in each poll book.

SEC. 7. All ballots found in the voting envelopes, except complete duplicates, shall be pasted in the proper place and connection in the ballot book, subject to the proper corrections at the proper time. When two ballots, which exactly agree, are found in any voting envelope, one shall be pasted in the ballot book and the other destroyed. If the names of more persons for any office than an elector has a legal right to vote for at a primary or final election are designated in any ballot, except in cases provided for in this Section, all the names so designated must be rejected. When, upon any ballot is found a printed name, and a name written with ink or pencil, the printed name, opposite the written name, must be rejected; or, when, upon any ballot, a name has been erased and another substituted therefor in any other manner than by use of common writing ink, or a lead pencil, the substituted name must be rejected.

SEC. 8. When, at any stage of the canvass or preliminary count, the attention of the Election Board shall be called by one of its members to evidence of the illegality of any vote, the Board shall immediately give their attention to the matter, and decide by a majority of their number as to the legality of the vote. If it is thus decided that the vote is illegal, the fact shall be noted in the column for remarks, opposite the name in each poll book, and the vote shall be withheld from the preliminary count. If the decision is made before the voting envelope containing the vote is opened, it shall not then be opened; but, if the voting envelope has been opened, and the ballot or ballots it contained are pasted in the ballot book, the Inspector having the ballot book shall write, either across the ballot or ballots, or across the page above the ballot or ballots, the words, "Withheld for illegality."

CHAPTER XIII.

PRELIMINARY COUNT.

SECTION 1. After due performance, in public view, by the Election Board, of the acts described in the immediately foregoing Sections, they shall proceed to make, in public view, a preliminary count. The Register, or Acting Register, and the clerk, shall each have before him, as many sets of tally sheets as there are offices to be filled. There shall also be convenient of access to each as many sets of tally sheets as may be necessary for making up the results of the votes given in the several ballots, and suitable sheets, or books, in which to copy, or paste, specific propositions, declarations, instructions, and resolutions, voted for. At the head of each set of tally sheets for votes, as to public officers, shall be written the title of an office, commencing with the title on the ballot, and continue in the order prescribed by law in voting for elective officers. These sets shall be arranged in a pile, corresponding to the order of titles of the offices.

SEC. 2. An Inspector, to be chosen by the Board, shall take the ballot book and commence with the first ballot of the elector whose vote was first withdrawn, call the number of the vote, the title of the office, and the person or persons voted for as candidates for or to fill the office. The Register or acting Register and the clerk shall enter, in the open head of each set of tally sheets, the title of the office called. They shall next write the names of the persons voted for, for nomination or election to the office, in the order in which they were called, vertically in the spaces between the head lines intended for the purposes. Next, they shall place a tally mark in the column under each name voted for; opposite the number on the tally sheet corresponding with the number of the vote. When elections are conducted on the cumulative or preferential system, described in Section —, Chapter —; of this Act, the column below the name of each person voted for shall be of sufficient width to admit of its being divided into as many sub-columns as there are choices allowed to each voter, each sub-column being only of sufficient width to contain a tally mark. When the tallies for the office first called are entered, the Register or acting Register and the clerk shall each remove the first tally set from his file, and place it, face down, beside the same; and as each different office is called, tally and remove, placing each successive set on the top of that before removed, until all the tallies for officers have been entered, and all such tally sets removed.

The tallies for recommendation or nomination of persons for United States Senators from this State, and for State and National appointments, and those for displacement and replacement of elective offices, shall be made in the same way, so far as practicable.

SEC. 3. The other ballots of the electors shall then be successively called and tallied. Before entering the tallies for the ballots containing an expression of the opinions and desires of an elector as to public matters, each specific proposition, declaration, instruction and resolution, when met for the first time, shall be read slowly and distinctly by the Inspector, who has the ballot book, and as it is thus read it shall be copied carefully by the Register or acting Register and the clerk, or they shall each paste a printed and verified copy on the sheet or book provided for the purpose. When this is done, the Inspector shall take the copies, compare them carefully with the original in the ballot, and make, or cause to be made, the necessary corrections. Each of the different kind of expressions mentioned shall be so copied on separate sheets, either loose or in book form, and each different expression of the same kind shall be numbered consecutively. When any specific proposition, declaration, instruction or resolution has been copied, and the copies have been corrected, the Register or acting Register and the clerk shall each take a tally set and write a head descriptive of the kind of expressions, or such propositions, declarations, etc. In the vertical column, between the cross lines below the head, they shall write the number representing the different expressions of the same kind, commencing with No. 1. The column below this number shall be divided into two sub-columns, over which respectively, shall be written For and Against. Each shall then enter a tally mark in the sub-column under the proper sub-head.

SEC. 4. When the copies of such expressions have been compared and corrected, one copy shall be given to the Inspector not having in charge the ballot book. When the Inspector who has the ballot book, in calling the ballots, shall come to an expression which appears the same as one before copied, or like it, he shall call upon the other Inspector to take his copy and assist him to compare. If this expression is found to correspond with any proposition, declaration, instruction or resolution before copied, the Inspector having the ballot book shall call the kind of expression, and the number representing the specific expression of the kind, and whether For or Against, and the Register or acting Register and clerk shall enter the proper tally. When the expression, though not literally the same, agrees with another already copied in every important particular, it shall be considered the same and so called and tallied. When an expression agrees in part, but differs in one or more important points, it shall be given a number, but the Election Board, at their option, may have the whole of it copied, or only that part which differs, stating the kind and number of the expression with which in other respects it corresponds.

SEC. 5. The tally sets to be used on voting on laws shall be headed, Acts Submitted. Each of these shall be designated by number, or by number and title in the vertical spaces assigned for the head, representing the person or thing voted for, under each of which there shall be two sub-columns, with the sub-heads For and Against, and the tallies shall be entered, as in other cases. The tally sets for each kind of expression, that is to say, propositions, declarations, instructions, resolutions and votes upon laws, shall be kept together, in separate piles, and removed and reversed as the tallying proceeds in the same way prescribed with respect to the tally sets for offices. The Election Board shall proceed with

all the votes and ballots as directed in Sections 2, 3 and 4, this Chapter, and in this section; provided, that all ballots withheld for illegality are to be omitted in the preliminary count.

SEC. 6. When all the votes counted are thus tallied, the Register or acting Register and the clerk shall each add his tallies and compare their footings. As far as these agree, the results may be taken as correct. Where there is disagreement, the Register or acting Register and the clerk shall revise their work, first comparing their tallies, and, if they cannot make them agree, they shall refer their differences to the Inspectors, who shall decide and direct the proper corrections to be made. If the Inspectors cannot agree, the corrections shall be made as directed by a majority of the Election Board, and the results thus shall be made to agree.

The Election Board shall then state briefly, in writing, and certify to the results of the preliminary count.

CHAPTER XIV.

PROCEEDINGS OF ELECTION BOARD AFTER PRELIMINARY COUNT—THE CORRECTED OFFICIAL COUNT.

SECTION 1. The Register or acting Register and the clerk shall each copy from his poll book: First, the names of all electors who failed to vote; second, the names checked in the proper lists of electors whose votes were not found; third, the names of all persons whose votes were withheld from the preliminary count by reason of illegality; fourth, the names of those electors, some or all of whose ballots were so made out, in whole or in part, that the intentions of such electors could not be determined thereby, and whose votes, or the defective parts thereof, were not counted. Notice shall be published by the Election Board immediately after the announcement of the result of the preliminary count containing the names in order indicated. The first class shall be notified, that if they can show clearly to the Election Board that their failure to vote was due to criminal or illegal acts of others, their votes will be received by said Board at ———, hours of ———, day or days ———, at ———, in ——— precinct. The second class shall be notified, that their votes will be received by the Election Board at or during the same time and at the same place. The third class shall be notified that evidence will then be received as to the legality or illegality of their votes, and the question as to this finally decided. The third class shall be notified, that, if they will appear and prove that the obscurity or errors in their votes were not the results of their own unjustifiable neglect, or criminal or improper intent, they may be allowed to make and certify to the proper corrections. Any person who can prove satisfactorily to the Board that his name is on the Official Register as an elector, but was omitted accidentally or otherwise in copying out the registry lists for the use of officers of election, and that on this account he was unable to vote, shall be allowed to vote at any meeting of the Election Board held after the announcement of the preliminary count.

SEC. 2. In cases where a receiving box or ballot box has been destroyed, with the ballots they contained, or the same have been forcibly taken from the proper officers, or stolen from them, or violence has been committed on an elector, or officer of election, to prevent voting or receiv-

ing votes, or intimidation has been practiced, with success, to deter electors from delivering their votes; in all such cases the Election Board, at any meeting held after the preliminary count, shall receive the votes of electors whose votes were destroyed or so taken, or who were thus prevented from voting at the proper time.

SEC. 3. The Election Board shall hold a meeting, at a time and place of which public notice shall be given, on the next day after the declaration of the results of the preliminary count, when they shall hear, try and decide complaints of illegal voting, and of all criminal acts affecting the validity of votes. They shall not entertain such charges, except upon the sworn complaint of an elector, or electors, nor unless it shall appear that the persons accused have had at least one day's notice personally served, or official return, that after diligent search they cannot be found within the precinct. The Board may continue its meetings for two days, but shall adjourn as soon as its business is concluded. During these meetings, the Election Board shall receive, in the same manner as on the day of election, the votes of electors which they are authorized and required by Sections 1 and 2 of this Chapter to then receive, including votes withheld for illegality, which the said Board, after a hearing, shall decide to be legal.

SEC. 4. At the expiration of two days from the completion of the preliminary count, or sooner, if their other business shall be sooner finished, the Election Board shall meet and proceed, publicly, as in the case of the preliminary count, to open the ballot box, take therefrom and open the voting envelopes, take out, paste, call, check and count, the ballots, and then to make the necessary corrections and additions of the tallies; after all of which, they shall proceed to make up, certify and announce the results of the corrected or official count.

SEC. 5. A full record of all proceedings of the Election Board shall be kept by the Register, or acting Register, and the clerk at all meetings of the same, held after the preliminary count. Lists of the cancelations and changes authorized and made, and of the electors whose votes were received, at such meetings, shall be made by the Register, or acting Register and clerk, and the reasons for the same briefly stated therein, under the direction of the Election Board. Before the final adjournment of the Election Board, the Register or acting Register and the clerk shall compare their reports of its proceedings, and each report, if they are found to agree, shall be signed by the Register or acting Register and the clerk, and shall be attested by the Inspectors. If these reports disagree, they shall be compared and corrected by the Inspectors, or if the Inspectors cannot agree as to the corrections, these shall be made by the majority of the Election Board, who shall certify to the same in each report. All the proceedings of these meetings of the Board, except matters involving a knowledge of the persons or things voted for by electors, shall be public.

CHAPTER XV.

CANVASS RETURNS AND ABSTRACTS OF VOTES—COMPENSATION AND PAYMENT OF ELECTION OFFICERS—COMMISSIONS AND CERTIFICATES OF ELECTION.

SECTION I. Upon the completion of the official count, the Register or acting Register and the clerk shall make up, from the corrected lists, the names of every person voted for, at full length, the office for which such person received votes, and the number of votes he received, the number

being expressed in full length, in writing, and also in figures in such list; to be made, as nearly as practicable, in the following form:

At the ——— election, held in ———, precinct, ——— in the county of ———, and State of ———, on the ——— day of ———, 187—, the following persons received the number of votes annexed to their respective names (in primary elections add as nominees) for the following-named offices:

- A. B. ——— had ——— votes for member of Congress.
- C. D. ——— had ——— votes for State Treasurer.
- E. F. ——— had ——— votes for State Controller.

And in like manner for every person voted for for any office, or in primary elections as nominees for the same.

When votes were given for or against the displacement of any officer, the notice shall state:

Displacement of ——— from the office of ———.
For, ——— votes. Against, ——— votes.

For votes for nominees to replace such offices:

N. P. ——— had ——— votes to replace Q. D., in the office of ———,
etc.

[On another sheet, to be attached to that which contains the foregoing notice, all propositions and declarations voted upon at a primary election, and all instructions and resolutions voted upon at a final election, shall be fairly copied, or printed copies of the same shall be pasted thereon, with the number of each at the left, and following each shall be stated the number of votes, For and Against. Laws voted upon at final elections shall be described by numbers and titled. Each kind of expressions shall be distinctly indicated, and the notice given in the following form for primary elections]:

PROPOSITIONS.

No. 1. (Here insert a copy of the proposition at full length.) For, ——— votes. Against, ——— votes.

DECLARATIONS.

No. 1. (Here copy the declaration.) For, ——— votes. Against, ——— votes.

LAWS.

No. 1. Act entitled, etc. For, ——— votes. Against, ——— votes.

INSTRUCTIONS.

No. 1. (Here copy the instruction.) For, ——— votes. Against, ——— votes.

RESOLUTIONS.

No. 1. (Here copy the resolution.) For, ——— votes. Against, ——— votes.

Certified by us.

[Attest]

M. N. }
O. P. } Inspectors.
A. B., Register (or Acting Register).
C. N., Clerk.

The above notice may be modified, as required, to present clear and exact statements of the facts.

SEC. 2. The Election Board of each precinct shall close, cover and seal, separately, the ballot book, the two poll books, and the two consolidated tally sets; also, each set of the propositions and declarations, or instructions and resolutions voted upon in such precinct. They shall also separately close, cover and seal the two copies of the official proceedings of the Election Board, after the preliminary count. The ballot book, the clerk's poll book, the clerk's consolidated tally sets, and the clerk's report of the said official proceedings of the Election Board, and one copy of each set of propositions, declarations, instructions and resolutions, after being thus separately covered, and after the nature of the contents of each enclosure is described clearly in a large handwriting on its outside, shall be made up into a single package, which shall be securely covered, sealed and directed to the County Clerk. On the cover of the package shall be endorsed the words, Election Returns. The package shall be conveyed by one of the officers of the Election Board, or some person to be chosen by themselves, and delivered to the said County Clerk at his office, at the county seat, within six days after a primary election, and within six days after a final election. These records, thus enclosed and sealed, shall be deposited in the office of the County Clerk, and there kept until the general final election of the fourth year thereafter. The other poll book, the Register's or acting Register's consolidated tally sets, his official proceedings of the Election Board, and a copy of the abstracts of the votes, shall be deposited in the office of the Register of the Registration District in which the precinct is situated, as part of its permanent records, where they shall be separately kept in proper order, as part of the records of said office, for ten years after the time of their deposit.

SEC. 3. The poll book of the Register or acting Register, and the poll book deposited in the office of the County Clerk, and the copies of propositions, declarations, instructions or resolutions, voted upon, deposited in the Registry office, and, in the office of the County Clerk, shall be subject to the inspection of any elector after being so deposited in the respective offices. The ballot book, the certified tally sets, and the official proceedings of the Election Board, shall be subject to the inspection of any one, except in cases of contested elections, or other legal inquiry in regard to elections, and then only by the Court, Judge, Jury, Board or Commission before whom the results of such election are being contested or investigated.

SEC. 4. On or before the tenth day, or on the next day thereafter, if the tenth day shall be Sunday, after the close of a primary election, or sooner, if all the returns are received, the Commissioners of the county shall open said returns and make abstracts of the votes. The Commissioners of the county shall act as a Board of Canvassers, and declare election returns; provided, that when an election shall be held for the nomination or election of Commissioners of the County, the District Judge or Judges, or some person appointed by him or them, shall canvass and declare the election returns for such Commissioners, for which purpose all election returns shall be sealed and delivered according to law to the County Clerk, and by him opened in the presence of the District Judge or Judges, or the person appointed by him or them, who shall declare the result as to Commissioners of the County, and the clerk shall give public notice of the result as to nominations, or give the person elected as

such Commissioner a certificate of his election, and the Commissioners of the county shall then canvass the returns of the county as to other officers and public expressions.

SEC. 5. 1. The abstracts of the votes for persons as nominees for Electors of President and Vice President, and the expressions of preference by the electors of the county, of persons to fill the offices of President and Vice-President, and of National offices to be filled by appointment at primary elections, shall be on one sheet.

2. The abstract of the votes for persons as nominees for Representative in Congress, and for United States Senator, at primary elections, shall be on one sheet.

3. The abstract of votes for persons as nominees for members of the Legislature, at primary elections, shall be on one sheet.

4. The abstract of votes for persons as nominees for District and State offices, and of preference for all offices, to be appointed at primary elections, shall be on one sheet.

5. The abstract of votes for persons as nominees for County, Township, and Precinct officers, and Registers of Election and all officers to be appointed by the Commissioner of the County, at primary elections, shall be on one sheet.

6. The abstract of votes upon propositions to displace elective officers, and of votes for persons as nominees to replace such officers, shall be on one sheet.

7. The abstract of votes upon specific propositions as to legislation at primary elections, shall be upon one sheet, or continuous sheets.

8. The abstract of the vote upon specific declarations as to political principles or public policy, at a primary election, shall be one sheet, or continuous sheets.

[The vote need not be given on propositions or declarations relating only to the county in some political division thereof, which has not been voted upon by more than one-twentieth of all the electors of such county or political division.]

The Commissioners of the county shall certify to a copy of these abstracts, and cause a statement of the votes for each nominee for an elective office, except those of the county, or any political division thereof, who has received not more than one-twentieth of the votes of the electors of the county or political division in which the office is to be held or exercised, to be made and generally published in the county for at least fifteen days preceding the next ensuing final election.

SEC. 6. On the tenth day, or the Monday following that day, if the tenth day shall be Sunday, after a general final election, or sooner, if all the returns are received, the Commissioners of the county shall open the election returns, and make abstracts of the votes.

1. The abstract for members of Congress shall be on one sheet.

2. The abstract for members of the Legislature shall be on one sheet.

3. The abstract for District and State officers shall be on one sheet.

4. The abstract for County, Township and Precinct officers and Registers of Election shall be on one sheet.

NOTE.—Votes to replace the several election officers shall be on the proper abstracts for each office, but there shall be added to the statement of the votes for such person the words to replace ———, giving the name of the office.

5. The abstract of votes upon specific instructions to the Legislature,

or to members of the Legislature, or to Representatives or Senators in Congress, shall be upon one sheet, or continuous sheets.

6. The abstract of votes upon specific instructions to the Commissioners of the County, or to the Legislative Boards of cities and incorporated towns, shall be on one sheet, or continuous sheets.

7. The abstract of votes upon resolutions, or disapproval, or approval of local, State and National administrations, or any part, or officer, thereof, shall be on one sheet, or continuous sheets.

[The votes need not be given on instructions or resolutions referring exclusively to the county, in any political division of the same, upon which not more than one-twentieth of the electors of the county or the political division have voted.]

SEC. 7. The Commissioners of each county shall cause certificates of election to be made out by their County Clerks to each of the persons having the highest number of votes for members of the Legislature, County, Township and Precinct offices, and for Registers of Elections, respectively; to give general or special notice to said officers that upon making proper application to said County Clerk, at his office, by the persons entitled, such certificates of election will be delivered by him. But when a tie shall exist between two or more persons for the offices of Senator or member of the Assembly, or for any County, Township or Precinct office, or District within the county, or for Register of Elections, the Commissioners of the county shall order their clerk to give notice to the Sheriff of the county, who shall advertise immediately another election, giving at least ten days' notice. At special elections the several Election Boards will be allowed but one day, after the election, for the preliminary count; but one day thereafter to hear evidence, receive improperly excluded votes, make the proper corrections, and make up and certify to the official returns, and but one day more to prepare and forward the returns, by one of the usual methods, to the office of the County Clerk.

SEC. 8. There shall be allowed out of the county treasury of each county to the several Inspectors of the election, and to the Registers and acting Deputy Registers, while sitting as members of an Election Board, and to each Register and such Acting Deputy Registers, during the three days next preceding an election, five dollars per diem; and to the Inspectors, two dollars per diem, for the four days preceding an election, during which they are required by law to be present at the delivery and opening of the Collector's receiving boxes, and to superintend at the same, and assist in checking and transferring the votes to the Register's receiving box. To the persons who carry the election returns and records to the office of the County Clerk, at the county seat, the sum of thirty cents per mile shall be paid out of the county treasury.

SEC. 9. The County Clerk, on the receipt of the returns of any election, shall make out certificates for election officers, including Registers and Acting Deputy Registers, for their services, three days prior to the election, and as members of Election Boards, stating therein the compensation and the amounts to which, by law, they are entitled. They shall present these certificates and statements before the Commissioners at their next meeting, when, if they are found correct, the Commissioners shall order such compensation to be paid out of the county treasury.

SEC. 10. The Commissioners of the county, after having made the abstract of votes as prescribed in Sections 5 and 6, this Chapter, shall cause the County Clerk to make a copy of such abstracts, as to the proper district offices, and as to State and national offices, officers and affairs,

and send the same immediately by mail, express, or special messenger, to the Secretary of State, at the seat of government; and, on the tenth day of October, or, if the tenth be Sunday, on the Monday following, the Secretary of State and two Inspectors, to be appointed by the Governor, shall meet at the office of the Secretary of State, and there promptly open and canvass the abstracts of the said votes given at the preceding primary election for persons or nominees and national offices, including President and Vice President; for members of Congress; for United States Senator; for Electors of President and Vice President; for the proper district officers, and for State officers; the votes upon propositions to displace elective officers of the district and State, and the votes in favor of persons as candidates to replace such officers; also, the vote upon each specific proposition as to State and national legislation, and upon each specific declaration as to political principles and public policy, relating to the State or national government. These officers shall certify the results, and, on or before the fifteenth day of October, the Secretary of State shall cause the same to be generally published throughout the State until the day of the next ensuing general final election.

SEC. 11. On the third Monday succeeding each general final election the Chief Justice of the Supreme Court, and the Associate Justices, or a majority of them, shall meet at the office of the Secretary of State, and shall open and canvass the votes for Representatives in Congress, district and State officers, upon specified acts of the Legislature, submitted to the electors, upon specified instructions or requests to United States Senators, and upon specified resolutions of approval or disapproval of the State or national administration, or any part or officer thereof.

SEC. 12. The Governor shall grant a certificate of election to, and commission, each person having the highest number of votes, and he shall make out and publish generally throughout the State, in the usual manner, for at least ten days, certificates of the votes for and against each act of the Legislature submitted to the vote of the electors, and for and against each specific instruction and resolution, omitting those instructions and resolutions which have not been voted upon by more than one-twentieth of the electors of the State. [Adjust so as to provide for voting for requests to United States Senators.]

SEC. 13. In case two or more persons have an equal, and the highest number of votes for any office, and there is no choice by the electors for such office, the Governor, by proclamation, shall order a new election for the office.

SEC. 14. When an election for Electors of President and Vice President takes place, the votes therefor shall be canvassed in the manner above described, on the fourth Monday after such election is held; also, the votes for President and Vice President, and the results of these latter votes, shall be ascertained and declared before the results for the Electors of President and Vice President.

SEC. 15. No certificate shall be withheld on account of any defect or informality in the returns of any election, if it can be ascertained, with reasonable certainty, from such returns, what office is intended, nor upon like conditions as to intent of voters, shall any commission be withheld by the Governor, or Commissioner of the county, on account of any such defect or informality of such returns, made to the Secretary of State, or to such Commissioners.

SEC. 16. If the returns of any general primary election, of any county, shall not be received at the office of the Secretary of State on or be-

fore the fifth day of October succeeding such election; or, if the returns of a general final election, of any county, shall not be received at that office, before the third Monday of December succeeding such election, the Secretary of State shall take effective means to promptly procure them, and may send forthwith a messenger to the Clerk of such county, who shall furnish such messenger a copy of such returns, and the messenger shall be paid out of the Treasury of such county the sum of thirty cents for each mile he shall necessarily travel in going to and returning from said county. When the Commissioners of a county shall deem it necessary to supply a messenger to carry the returns to the seat of government, and deliver them to the Secretary of State, they may appoint such messenger, and the persons who perform such service shall be entitled to receive the same mileage, computing the distance by the usually traveled route. After the expiration of thirty days, from and after the election of Governor, Lieutenant-Governor, Representatives in Congress, and State and County officers, the Secretary of State shall certify to the proper District Attorney, any and all failures and omissions of Commissioners of Counties, their clerks and other officers in their respective counties, to comply with the provisions of this Act, in returning or certifying the returns, or certificates of any such election, to the office of the Secretary of State; and any such certificate of the Secretary of State, sealed with the State seal, shall be sufficient presumptive evidence of such failure or omission herein specified. When two or more counties are united in one Senatorial, Representative, Judicial, or other district, for the election of any officers, and it has not been legally determined to which county of the district the returns of the other counties of the same shall be sent, for the purpose of having the returns of the District, for such officers, made up and the result ascertained, the Commissioners of each county shall decide, on or before the second Monday of January next ensuing, which county of the District they prefer for this purpose; and, immediately after such decision, the Clerk of each county shall inform the Secretary of State, by letter, as to the same. If it shall be found by the Secretary of State, that, on or before the second Monday of March, a majority of the Board of Commissioners of the several counties of the District, have agreed in preferring any county of the same, for this purpose, the Secretary of State shall so notify the Clerks of all the counties of the District, and thereafter all such returns of the other counties shall be sent by them to the Clerk of the preferred county. If a majority of the several Boards of County Commissioners cannot agree upon the county to be selected, the Secretary of State shall designate the county to which the returns of the other counties are to be sent, on or before the second Monday of May; and he shall notify the Clerks of all the counties of the District as to the county designated. The Clerks of the several counties of the District, other than that to which the returns are to be sent, shall send to the Clerk of the county legally designated, at the earliest practicable date, a copy of the abstract of votes for each person voted for at a primary election as a candidate, for any office to be filled by the votes of the electors of the District, and of the abstract of votes for each person voted for for such offices at a final election, by the electors of such District. The Clerk of the county to which the returns of the other counties shall be sent, shall make a final abstract and aggregate of such votes, including those of his county, a copy of which he shall immediately send, by mail, express, or special messenger, or by telegraph, as provided in Section 12, Chapter XXIV, of this Act, to the Secretary of State. In case of a primary election,

such clerk shall make, and have published, in the usual manner, throughout the District, for at least — days preceding the next ensuing final election; and, in case of a final election, the said Clerk shall issue to the proper person or persons a certificate or certificates of election. The expenses of making up returns, and of publication, shall be apportioned by the Commissioners of the Returning County among the several counties of the District, in the ratio of the number of their electors; and, after being properly audited, the proper apportionment shall be paid out of the several County Treasuries, to the Treasurer of the Returning County.

SEC. 18. Whenever it is required that returns shall be sent by one County Clerk to another County Clerk, or by such Clerk to the Secretary of State, unless the said Clerk is otherwise directed by the Commissioners of the County, he shall enclose and properly direct such returns, and deliver them to some Postmaster of the county, to be sent by mail, taking from such Postmaster, if it can be obtained, a certificate, setting forth the time when such returns were deposited in the post office. When the Postmaster declines to give such certificate, the Clerk may take with him to the post office two reputable citizens, as witnesses of the fact, and nature of the deposit, and may obtain and file their sworn certificates as to the delivery of the returns at the post office.

CHAPTER XVI.

RECOUNT IN CERTAIN CASES—LEGAL EXAMINATION AND CORRECTION OF INFORMATION AND PRIMARY ELECTION RETURNS.

SECTION 1. When the Commissioners of any county shall have canvassed the vote, for County, Township and Precinct officers, and for Registers of Election, and it shall appear, from such canvass, that any such officer has received a majority of twenty votes or less, in such a case within ten days after the close of the canvass, upon application, under oath, of a defeated candidate for such office, setting forth that a specified mistake or specified mistakes, have been made on the part of the Election Board or Boards, in any election precinct or precincts of said county, the Commissioners of the county shall proceed to make a recount of the votes of any or all of the precincts in said county wherein any specified mistake or mistakes are alleged to have occurred, and shall continue such recount from day to day (Sundays excepted) until the votes of all such election precincts have been recounted; and when such recount is completed, they shall declare the result, and direct the County Clerk to issue the certificate to the person entitled thereto; but, in no case, shall they be allowed to throw out any ballot for any alleged legal defect, if upon the face of such ballot it can be ascertained, on inspection, for whom the elector intended to cast his vote, excepting in those things in which one ballot may be the duplicate of another, voted by the same person; and, provided that nothing herein contained shall prevent either party to such proceedings from contesting their right to said office in the courts, in the manner provided by law.

SEC. 2. Whenever the parties in an election contest before the District Court, within — days after the close of an election canvass, shall mutually stipulate to ask for a recount, to determine any matter in controversy relating to any elective office within the county, and to abide by the findings of the Commissioners of the county, or of a special com-

mission, as to the results of the election, the said court shall order such recount to be made, in accordance with the provisions of Section 1, this Chapter, and the result found by the Commissioners shall be binding and conclusive upon the respective parties. The District Court, on application of the stipulating parties, shall appoint, in such cases, a special commission, to consist of not less than three and not more than five qualified electors, to make such recount, which commission shall have the right of access to and the use of all records and returns of such election, for this purpose, and the results found by such commission shall be alike binding and conclusive on the respective parties.

SEC. 3. Any elector or electors of the proper county may complain, under oath or affirmation, to the District Court of the county, or to the Judge thereof, within ten days after the making up and official publication of the returns of official informations, or of primary elections, that such returns are incorrect, specifying the particular errors or wrongful acts complained of, whereupon the Judge of said District Court shall immediately appoint a Commission of Inquiry, to consist of not less than three nor more than five qualified electors of the county, who shall immediately examine into and make report of the facts.

The said Judge shall give certificates of appointment, in due form, to the members of such commissions, upon the presentation of which to any officer entrusted with keeping of the official records of such informations, or such elections, the said commission, or any of its members, when acting therewith, shall have free access to and possession of the same, until the conclusion of their inquiry, and shall have authority to open all official books and papers relating to such public expressions of the electors; to summon witnesses to attend at a certain time and place, in the regular way, through the Sheriff, and when witnesses who have been duly subpoenaed fail to attend, the said District Court, on notice thereof, shall issue attachments to compel their attendance. The said commission shall patiently investigate the facts, and hear and examine the evidence presented, prosecuting their inquiries with all possible diligence, and not less than twenty days before the next primary election, when investigating the returns of informations, and, not less than twenty-five days before the next general final election, when investigating the returns of a primary election, make to the said District Court a statement of the facts as to the matters complained of. Immediately upon the receipt of this statement, the Clerk of the said District Court shall prepare and publish a summary of the facts, as therein stated, and publish the same generally throughout the county, in the usual manner, in the case of alleged errors in the returns of informations, until the day of the next primary election; and, in case of alleged errors in the returns of primary elections, to the day of the next final election. When these facts shall affect the results as to district or State officers, members of Congress, Electors of President and Vice President, or other national offices, or State or national affairs, the said Clerk shall send immediately to the Secretary of State, in the usual manner, a copy of his summary of such statement, when the Secretary of State shall immediately publish the said facts generally throughout the State, in the usual manner, until the day of the next general primary, or of the next general final election, as the case may require. When the complaining parties fail to establish one or more asserted facts of their complaint, the costs shall be chargeable to and may be collected of them, as in other cases. When essential facts of a complaint are established, the costs of the proceedings shall be taxed to the county, and, on proper order of the Court, shall be

paid out of the county treasury. The members of this commission shall be allowed five dollars per diem while engaged in this service, and thirty cents per mile for necessary travel. The fees of witnesses shall be the same as in other civil cases. The said District Court shall determine, under the foregoing provisions, as to the party which shall pay the costs of the investigations.

CHAPTER XVII.

ELECTION CONTESTS—LEGAL PROCEEDINGS IN SAME.

SECTION 1. Any elector of the proper county may contest the right of any person declared duly elected to an office, exercised in and for said county; and, also, any elector of a township may contest the right of any person declared duly elected to any office in and for said township, for any of the following grounds affecting the facts of said election:

First—For illegal voting;

Second—For malconduct of any member of the Election Board, or other election officer;

Third—When the person whose right to the office is contested was not, at the time of election, eligible to such office.

SEC. 2. When any election held for an office exercised in and for the county, or in and for a township, is contested, on account of the malconduct of any Election Board of any precinct, or any member or election officer thereof, the election shall not be annulled or set aside, on any proof thereof, unless the rejection of the illegal votes of such precinct shall change the result as to such office in the remaining vote of the county or township.

SEC. 3. When any elector shall contest the right of any person to such elective office, he shall file, within thirty days after the election, with the Clerk of the District Court, a written and specific statement, setting forth:

First—The name of the person contesting such election, and that he is an elector of the county, township, district or precinct, as the case may be, in which such election was held.

Second—The name of the person whose right to the office is contested.

Third—The office.

Fourth—The particular cause or causes of such contest.

Such statement shall be verified by the affidavit of the person who contests, that the matters and things therein contained are true, to the best of his knowledge and belief.

SEC. 4. When the reception and counting of illegal votes is alleged as a cause of contest, it shall be sufficient to state that illegal votes were given, in a specified precinct or specified precincts, to the person whose election is contested, which, if taken from the votes he received, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office. No testimony will be received as to illegal votes, unless the person contesting an election shall deliver to the opposite party, at least three days before such trial, a written list giving the number of illegal votes, the names of the persons by

whom they were given, which he intends to prove on such trial. No testimony as to illegal votes shall be received, except as to those specified in such list; provided that, in all cases of contested elections, the District Court shall have original jurisdiction to try and determine the same, and may obtain by mandamus all the documentary evidence required by either party litigant.

SEC. 5. No statement of the cause of contest shall be rejected, nor the proceedings thereon dismissed, by any court before whom such contest may be brought for want of form, if the particular cause shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceedings, or cause for which such election is contested.

SEC. 6. Upon the filing of such statement, the Clerk of the District Court shall inform the Judge thereof, who shall fix, within three days, a time to hear and determine such contest, and the Clerk shall give notice of not less than ten nor more than twenty days to the person whose right to his office is contested, and to the person or persons contesting, which notice shall be served by the Sheriff of the county upon the respective parties, as in other cases.

SEC. 7. Cases of contested elections shall take precedence in the courts of this State over all other business, when the person whose right is contested is in possession of the office to which his right is denied, or is about to take possession of the same; and they shall be proceeded with promptly and diligently, and decided as speedily as a due regard to justice and public interests will allow.

SEC. 8. The Clerk of the District Court shall issue subpoenas and subpoenas *duces tecum*, as in civil actions at law, for witnesses in such contested elections, at the request of either party, which shall be served by the Sheriff, as other like subpoenas are served; and the District Court shall have full power to issue attachments to compel the attendance of witnesses, duly summoned, who shall fail to attend.

SEC. 9. Upon the certified copy of the judgment of the District Court, or the Supreme Court, the County Clerk shall issue a certificate of election to the person declared to be entitled to such certificate.

SEC. 10. The Clerk, Sheriff, and witnesses, respectively, shall receive, from the person against whom the judgment is given, the same fees as are allowed for similar services in the District Courts.

SEC. 11. When an election shall be annulled by a judgment of the District Court; and no appeal is taken therefrom within thirty days, such an election shall be finally annulled, the certificate of such election shall become void, and the office shall be vacant; provided that, if it shall appear to the said District Court that any other person than the one against whom judgment has been rendered was fairly and legally elected, the said Court may so declare, and the Clerk of the proper county shall issue a certificate of election to the proper person.

SEC. 12. In case of any contest in regard to any election to fill the office of District Judge, such contest shall be tried, in like manner, before the District Court of the nearest adjoining district.

SEC. 13. Any such action may be brought by the District Attorney, in the name of the State of ———, upon his own information, or upon the complaint of any private person, against any person who holds unlawfully any public office within the State; and it shall be the duty of the District Attorney to bring such action whenever he has reason to believe that any such office is held or exercised unlawfully, or when he is directed to do so by the Governor.

SEC. 14. When such action is brought, the District Attorney may set

forth in his complaint, in addition to the statement and cause of action, the name of the person rightly entitled to the office or franchise, with a statement of his right thereto, and, in such case, upon proof by affidavit or otherwise, that the defendant has received fees or emoluments belonging to the office or franchise by means of his unlawful occupancy, usurpation thereof, an order may be granted by a Judge of the Supreme Court, or by a District Judge, for the arrest of such defendant, and holding him in jail; and, thereupon, he may be arrested and held to bail in the same manner, and with the same effect, and subject to the same rights and liabilities as in other civil actions, when the defendant is subject to arrest.

SEC. 15. If judgment shall be rendered upon the right of the person so alleged to be entitled to the office in favor of such person, he may recover by action from the person unlawfully holding, or usurping it, the damage which he shall have sustained by reason of the usurpation of the office, or franchise, by the defendant.

SEC. 16. When several persons claim to be elected, or entitled to the same office, one action may be brought by, or against, all such persons, in order to try their respective rights to such office.

CHAPTER XVIII.

CONTESTS FOR MEMBERS OF THE LEGISLATURE.

SECTION 1. Sections 1, 2, 3, 4, 5 and 6, of this Chapter, same as 52, 53, 54, 55, 56 and 57, "Act Relating to Elections," approved March 12, 1873, (Statutes of Nevada) as to contests for members of the Legislature. [Here codify and insert, with any improvements deemed of value, all existing statutory provisions of the State.]

CHAPTER XIX.

ELECTION CONTESTS FOR STATE OFFICES.

SECTION 1. Any qualified elector, or electors, may contest the election of any person declared duly elected to any State office, within this State, by the filing of a specification of the grounds of such contest with the Clerk of the Supreme Court, which specification shall be verified by oath or affirmation; and it is hereby made the duty of the Attorney General to prosecute such action, in the name of the people of the State, before the Supreme Court, which shall have original jurisdiction in such cases. The Justices, or either of them, shall have power to issue such process as may be necessary for the complete hearing and final determination of such action.

CHAPTER XX.

REMOVAL FROM OFFICE, THROUGH THE COURTS—THROUGH THE ACTION OF THE ELECTORS.

SECTION 1. Any person now holding, or who shall hold hereafter, any office in this State, who shall refuse, or, from unlawful neglect, fail to perform any official act, in the manner and form prescribed by law, or

who shall be guilty of any malpractice, or malfeasance, in office shall be removed therefrom as herein prescribed.

SEC. 2. Whenever any complaint, in writing, duly verified by the oath of any complainant, who is a citizen of this State, shall be presented to the District Court, alleging that any officer, within the jurisdiction of said Court, has been guilty of charging or collecting any illegal fees, for services rendered, or to be rendered, in his office, or has neglected or refused to perform the official duties prescribed by law, or has been guilty of any malpractice or malfeasance in office, it shall be the duty of the Judge of said Court to cite the person charged to appear before him on a certain day, not more than ten and not less than five days from the time when said complaint shall be presented; and, on that day, or some subsequent day, not more than twenty days from that on which said complaint was presented, the said Court shall proceed, in a summary manner, to hear the complaints and evidence offered by the party complained of; and if, on such hearing, it shall appear that the charge, or charges, of such complaint are sustained, the Court shall enter a decree that said person complained of shall be deprived of his office, and shall enter a judgment of \$500 in favor of the complainant, and such costs as are allowed in civil cases. But the complainant will be held liable to the State for all the costs, and to the officer complained of for all damages arising from willful false swearing, or malicious misrepresentation during the suit, besides any criminal responsibilities which may arise under the statutes.

SEC. 3. The Clerk of the Court in which such proceedings are held shall transmit, within three days thereafter, to the Governor of the State, or Commissioners of the county, a copy of any decree, or judgment, declaring any officer deprived of any office under this Act; and the Governor, or such Commissioners of the county, shall appoint some person to fill such office until a successor shall be elected, or appointed and qualified; and the person so appointed shall give bond and security as are provided by law and pertain to such office.

SEC. 4. In case judgment of the District Court, as herein provided, shall be against the officer complained of, and an appeal shall be taken the judgment as rendered, the officer so appealing shall not hold his office during the pending of such appeal, but the office shall be filled as in cases of vacancy.

SEC. 5. When it shall be shown by the official returns that the displacement of any elective officer, of any county, municipality, or political division thereof, whose term of service extends one year or more from the first day of the next January, was proposed by a majority of the electors of the same at the last general primary election, the Commissioners of the county, in their notices of the next general final election, shall clearly state the fact, and announce the names of three persons, if so many were nominated; or, if not, the names of the persons who received the highest number of votes at said primary election as candidates to be voted for at the next general final election, to replace in such office the incumbent thereof; and the Commissioners shall also state, in said notices, that the electors of the political divisions are at liberty to vote for either of these persons.

SEC. 6. When it shall be shown by the official returns that the displacement of any elective officer, or officers, of districts containing more than one county, or, of the State, whose term of service extends one year or more from the first Monday of the next January, was proposed at the last general primary election by a majority of the electors

of such district, or of the State, the Secretary of State; within twenty days after such primary election, or immediately upon his making up of the official returns of such election, shall publish generally, in the usual manner, throughout the State, and, in case of a district officer, especially in the district, a notice stating the facts, and calling special attention to the same. In the same notice he shall announce the names of those persons who received the highest number of votes as candidates to be voted for to replace in each office the incumbent thereof, whom a majority of the electors proposed to displace. The Commissioners of the several counties of such districts, or of the State, shall embody this notice in their notices of the next general final election.

SEC. 7. If, at the next general final election, there shall be cast, in the proper political division, or in the State, more votes for nominees to replace in any elective office an officer whose displacement has been proposed in the manner described in Sections 5 and 6, this Chapter, than have declined or failed to vote for such nominees, the said elective office shall become vacant on the first Monday of the next January; and that one of the nominees for such office, who received at such general final election the highest number of votes, shall be thereby designated and appointed to fill such vacancy; and, on the first Tuesday after the first Monday of the next January shall replace in the office the displaced officer. If all votes cast at such final election, for all the nominees for such office, do not exceed in number the electors of the proper political division, or of the State, who declined or failed to vote for such nominees, then the incumbent of such office shall continue to hold and exercise the same. The terms of the persons who may be thus designated and appointed to replace elective officers shall extend from the first Tuesday after the first Monday of the next January after the final election, to the time of the expiration of the original terms of the displaced officers.

CHAPTER XXI.

PUBLIC INFORMATION AND RECOMMENDATIONS—EXPRESSIONS OF ELECTORS AT PRIMARY ELECTIONS—INSTRUCTIONS AT FINAL ELECTIONS.

SECTION 1. When it shall appear, from the official returns of informations, that a majority of the electors of the State have concurred in recommending, or disapproving, specific measures of legislation, or of public policy, affecting the State, and no subsequent action of a different kind shall have been taken meantime by the majority of said electors, at a primary or final election, the Governor of the State, in his next annual message to the Legislature, shall refer and call attention to the facts as to such concurrence, and recommend such public action in relation thereto as he may deem advisable.

SEC. 2. The Governor shall also particularly refer, in his annual message, to the action of the majority of the electors upon propositions as to legislation, and declarations as to administrative practices, official conduct and other public matters, of a State or national character, made at the last general primary election; when no decisive action shall have been taken upon these subjects by the electors at a subsequent general final election, and shall make such recommendations as he may deem proper in reference thereto.

SEC. 3. When it shall appear, from the official returns, that specific

instructions, as to matters of legislation, with regard to which the State Legislature has the constitutional power to act, have been given to that body by the majority of the electors of this State, at a final election, the Governor, in his next annual message, shall call the attention of the Senate and the Assembly to each of such specific instructions. When this has been done, these instructions, by virtue of Section —, Article —, of the Constitution of the State, where such right of instruction has been specified, (or where not) are hereby declared to be mandatory upon each House of the Legislature.

SEC. 4. It is hereby made a rule of legislation of the Senate, and of the Assembly, (each House hereby declaring its concurrence therein) on such notice; and a requirement of law upon each official body, in each county and municipality of this State, after publication of the official returns of a final election, showing that specific instructions have been given to such official body, by a majority of the electors of the proper political division, at its first session thereafter, and on the next day after its organization, to appoint a special commission, to consist of not less than three nor more than five persons, who may or may not be members of such House, or of such official body, whose duty it shall be to prepare and report, within ten days thereafter, the form of an act for carrying into effect each specific instruction, thus given to such House, or such official body. Under [the constitutional declaration, Article 1, referred to, or] Section 3, this Chapter, of this Act, it will be the duty of each of the two Houses of the Legislature, immediately after the report of such commission, to enact such a law, or such laws, not in violation of the State or Federal Constitution, as will best embody and carry into effect the instruction or instructions given. The local legislative bodies, above referred to in this Section are hereby required, immediately on the report of their several commissions, to enact such laws for their respective political divisions.

SEC. 5. When the majority of the electors of any Senatorial or Assembly district have voted, at any general final election, in favor of specific instructions as to future State legislation, or public meetings of the electors, in the manner hereinafter provided, in favor of specific instructions, as to pending or necessary State legislation, such instruction shall be mandatory upon the Senator and members of the Assembly of the district; provided, the same shall be officially verified, and shall not have been overruled by the adverse instruction of a majority of the electors of the State, at the last general final election.

SEC. 6. When any member of the State Senate, or of the Assembly, shall refuse or fail to comply with the instructions of his constituents, thus given and verified and not thus overruled, of which he has had due legal notice, his refusal or failure shall be deemed a non-performance of duty sufficient to vacate his office; and, upon due proof of the facts, the office shall become vacant. The same provisions, under like conditions, shall apply to all local legislative affairs of this State.

SEC. 7. When the electors of any Senatorial or Assembly district in this State, through legal methods, have instructed a member of the State Senate, or of the Assembly, as to any matter of legislation, the County Clerk of the district, or the County Clerk of that county of the district whose duty it is to make up the election returns of the district, shall make two certificates as to each specific instruction, thus given at final elections, or public meetings of the electors, and send one of the certificates, by mail or express, to each member instructed, and one to the Journal Clerk of the House of which the instructed is a member.

The Journal Clerk or clerks of said House or Houses, on receipt of said certificates, shall enter a copy of it on the journal of the proper House. If any such member, after receiving such certificate, or after such entry of the same, shall vote or act in violation of his instructions, or fail to vote or act in accordance therewith, when he has an opportunity of so doing, and when such instruction shall not be overruled, as provided in Section 5, this Chapter, his incumbency of the office shall cease; and, if thereafter, he shall exercise, or attempt to exercise, the powers, or perform the duties of the same, he shall be subject to the punishment provided in Section 16, Chapter XXVIII, of this Act. It shall be the duty of the presiding officer of the House to notify the Governor in such cases, as in other cases of vacancy therein; provided, that such Senator or member of the Assembly may appeal to the House of which he is a member, as to the question whether such instruction was legally given by the majority of the electors of the proper district, the said Senator or member of the Assembly meantime refraining from action adverse to such instructions; and that said House shall declare this question within ten days from the time of such appeal. In case it shall be decided by the House, within such time that the instruction was not legally given, it shall be and remain without force or effect.

SEC. 8. When any Senator or Representative, in the Congress of the United States, shall give notice, over his signature, to the Secretary of State, that he desires, if a Senator in Congress, the electors of this State, or, if a Representative in Congress, the electors of his Congressional district, to express their views and wishes as to any legislative matter within the power of Congress, at the time of making up their next returns of information, or at their next general primary election, the Secretary of State shall immediately cause circulars, containing a copy of the request, to be printed and sent by mail to the several Boards of County Commissioners of the State or of the district, as the case may require; and after the receipt of such circulars the said boards shall cause notices of the request to be published, generally, in their respective counties, not less than ten, and not more than thirty days, immediately preceding the time fixed by law for issuing to the electors blank information sheets, when it is desired by such Senator or Representative, that such expression shall be made in the Returns of Information; and not less than twenty nor more than sixty days, when it is desired by such Senator or Representative, that such expression shall be made at such primary election. In the former case, each Register of the State or of the Congressional district, should notify each elector of such request, when sending him his blank information sheet. When any Senator or member of Assembly of this State shall publish, in a newspaper of general circulation in the Senatorial or Assembly district which he represents, for not less than ten days immediately preceding the time fixed by law for issuing to electors blank information sheets, his request that the electors of such district shall express their opinions and wishes as to any legislative matter within the powers of the State Legislature in their next Returns of Information, the Registers within such district, shall notify the electors thereof of this request, when sending them their Information Blanks; or when such Senator or member of the Assembly shall so publish for ten days immediately preceding, and during the time in which notices of the next general primary election are to be published by the Commissioners of the county, or of the several counties of the district, such request that the electors shall express their opinions and desires as

to such legislative matter, at such primary election; the said Commissioners shall also give notice of the request in their notices of such election, and ask the electors to act with reference thereto. At the next general final election, after such expression, the electors of the State, if the expression was made at the request of a Senator in Congress from this State, or the electors of the Congressional, State Senatorial, or Assembly district, as the case may require; if the expression was made at the request of a Representative in Congress from this State, a State Senator or a member of Assembly of the proper district, may vote for or against instruction, as to the matter specified in such request, when such instruction has been recommended by a majority of the electors of the State or district, in their Returns of Information, or prepared by them at the last general primary election.

SEC. 9. The majority of the electors of any Congressional District of their own primary motion, may instruct their Representative in the Congress of the United States, at the same times and in the same manner, and through the official agencies prescribed and provided in this Act, for the instruction by request of the State Senators and members of the Assembly. When it shall be ascertained, officially, that specific instructions have been given by a majority of the electors of a Congressional district to its Representatives in Congress, the Secretary of State shall immediately make out and send to the Representative so instructed, a certificate of each specific instruction.

SEC. 10. When a majority of the electors of this State have proposed to the State Legislature, at any general primary election, any specific instruction to the Senators in Congress from this State, and at the next general final election have requested that body to instruct such Senators in accordance thereto, it is hereby declared the constitutional duty of the two houses of the Legislature, in joint session, to pass a resolution embodying such specific instruction, certify the same, and cause it to be sent immediately to such Senators.

SEC. 11. In the event of the disregard, by a Representative in Congress, from any district of this State, of the instructions of the majority of his constituents, and of his refusal or failure to comply with the same, when given in the method herein provided; or if a Senator in the Congress of the United States, from this State, shall disregard or refuse, or fail to comply with the specific instructions of the Legislature of this State, as herein provided for, and after due notice, such Representative or Senator shall continue to hold and exercise the office for which he was chosen, the Governor of this State is hereby authorized, in the name of the State, or in behalf of the people thereof, to have tested before the proper house, or the proper Court or Courts, by all proper legal methods, the right of these officers to hold and exercise the powers and duties of these offices, while acting thus in open disregard and contempt of the legally expressed will and wishes of their constituents. The Attorney General of this State is hereby required to represent the State, in behalf of the people thereof, in all actions or legal proceedings instituted by the Governor, under the authority and provisions of this Section. For the purpose of making a test case, the Governor is hereby authorized, in case of such refusal or failure, to provide for the filling of such offices as in other cases of vacancy therein.

CHAPTER XXII.

POPULAR SANCTION OF LEGISLATIVE ACTS.

SECTION 1. It is hereby made a joint rule of legislation of the Senate and of the Assembly (each house hereby declaring its concurrence therein) that all general acts of the Legislature, and all acts of the Legislature involving an additional expenditure of more than ——— dollars, before going into effect, shall be submitted to a vote of the electors of this State and be sanctioned by the votes of a majority of the electors of the same, voting thereon. It is hereby made obligatory upon the legislative authorities of the several counties and municipalities of this State, and of each political division of the same, to submit all their general legislative Acts, respectively, in like manner to the decision of a majority of the electors of the same voting thereon, in each of the respective political divisions; and until such acts have been thus submitted and have received the sanction of the votes of a majority of the electors voting thereon, they shall not go into effect.

SEC. 2. It is hereby required that all legislative acts of the several counties and municipal corporations of this State, and of each political division of such counties and municipalities, shall be in strict conformity with the requirements of the Constitution of the State as to general legislation; and that the legislative authorities of such counties, municipalities, and the political divisions thereof, shall observe strictly the requirements of this Act intended to give practical effect to the declaration contained in the Constitution of the State as to the rights of the people freely to assemble and instruct their representatives.

SEC. 3. It shall be a rule of legislation of the Senate and of the Assembly (each house hereby declaring its concurrence therein) that the Committee of Ways and Means of their bodies, each, or some other appropriate committee of the same, before the final passage of any act involving increased public expenditures, or which it is believed will effect a material saving therein, shall make and report to the proper House, an estimate of the annual increase of expenditure to the State which it will cause, or of the annual saving to the State which it will effect. Within sixty days after the adjournment of the Legislature, the State Controller and State Treasurer shall make and publish a joint estimate, or separate estimates, of the public expenditure which will arise from the execution of each act passed by the Legislature at its last session, or the saving of such expenditure which would result from the practical operation of the Act. The joint estimate or separate estimates of the State Controller and State Treasurer, when made, shall be sent immediately by these officers to the Secretary of State, and such joint estimates, or the average of such separate estimates for each act, shall be published by the Secretary of State immediately before and in connection with the act, at and during the time of the publication of legislative acts.

SEC. 4. Within sixty days after the close of each session of the State Legislature, the Secretary of State shall cause copies of its acts to be prepared and a sufficient number printed, on sheets or in book form, and immediately thereafter shall send one such printed copy of each of such acts to the newspaper of largest circulation in each county of the State, in which a newspaper is published, and shall cause a copy of each of such acts to be published in each of such newspapers within four months of the close of each session. He shall prepare and publish in

each of such newspapers, for sixty days immediately preceding the general final election, a separate list of the acts which are to be submitted to the votes of the electors, number those acts in such list, and designate them by their numbers and titles, in the order of their numbers. The Commissioners of the several counties shall include this list in their proclamations and notices of the next general final election.

SEC. 5. At the next general final election held after the close of a legislative session, all the acts coming within the rule of legislation established in Section 4, Chapter XXI, shall be submitted to the votes of the electors of this State, in the respective election precincts, and all acts of the same not especially and in direct terms excepted, shall be so submitted to the votes of said electors. The votes *For* and *Against* acts of the State Legislature and *For* and *Against* local legislation acts to be submitted, shall be upon separate ballots, at the head of which shall be written or printed the title "Acts Submitted." The legislative acts of the several political divisions described in Section 2, Chapter XXIV, having been published therein previously for thirty days, shall be submitted in the same manner, by their numbers and titles, and lists of the same shall be published by the Commissioners of the county, in or with their official proclamations and notices of the elections, at which they are to be voted upon. An elector who wishes to express by his vote his approval or disapproval of an act, will write or see that there is written or printed, in the blank space of the ballot at the right of the title the word *For* or *Against*. When neither word shall appear in this space, opposite the number and title of an act, there will be no vote of the elector on the act.

SEC. 6. When it has been officially ascertained that any act of the State Legislature submitted to the electors, has received a majority of the votes of the electors voting thereon, such act shall stand approved as an actual and effective law of the State. The results of the votes upon each of said acts so submitted shall be announced by a proclamation of the Governor, as soon as the same has been officially ascertained. The results of the votes upon acts of the legislative boards of the several political divisions of the State shall be published therein, when officially ascertained by the clerks of the respective counties, under the direction of the Commissioners of such counties, and such acts shall then become actual and effective laws of such political divisions.

CHAPTER XXIII.

PRESIDENTIAL ELECTION.

SECTION 1. After the votes for President and Vice President, and for Electors of President and Vice President, have been canvassed, as provided in Section 14, Chapter XV, of this Act, notice of these votes and of the election of such Electors shall be given in the same manner as is required to be given of other elections; and the election of said Electors shall be made in the same manner as is prescribed by law in regard to the election of Representatives in Congress.

SEC. 2. The Electors so chosen shall convene at the seat of government on the first Wednesday in December next after their election, and in case of the death or absence of any Elector so chosen, or in case the number of such Electors, from any cause, shall be deficient, the Electors

then present shall forthwith elect, from the qualified electors of this State, as many persons as shall supply the deficiency.

SEC. 3. The Electors, when convened, are hereby commanded to vote by ballot for the one person for President who has been officially declared to have received a majority, or plurality, of the votes of the electors of this State at the last Presidential election, as their choice for the office of President; and for the one person for Vice President who has been thus declared to have then received a majority or plurality of the votes of the electors of this State as their choice for the office of Vice President; provided, that one of these persons shall not be an inhabitant of this State. If both of these persons shall be inhabitants of this State, said Presidential Electors shall, by ballot, exclude one of the names from being voted for, and shall then be at liberty to vote for any other qualified person for the office for which such excluded person received the highest number of votes. They shall name in their ballots the person voted for as President, and on distinct ballots the person voted for as Vice President; and they shall make distinct statements or lists as to the person or persons voted for as President, and the person or persons voted for as Vice President, which statements or lists they shall sign and certify and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate.

CHAPTER XXIV.

PUBLIC MEETINGS OF THE ELECTORS—PROVISION FOR PUBLIC ACTION ON SPECIAL OCCASIONS AND IN UNUSUAL EXIGENCIES.

SECTION 1. As supplementary to the other provisions of this Act, for the legal regulation and control of initial and intermediary public action, and especially for the purpose of supplying the means of authentic and authoritative action, on special occasions, and in unusual exigencies, it is hereby provided, that public meetings of the electors, in which every elector of the precinct or registration district, shall have an equal right to participate and an equal vote, may be called and held, for the purposes herein specified:

1. By certain proportional numbers of the electors;
2. By certain public officials for their guidance or instruction;
3. By the Secretary of State or Commissioners of the County, for nomination of persons as candidates to be voted for at special elections.

SEC. 2. The objects for which such meetings may be called and held, are—

1. Consideration of political principles, public policy, and public affairs, affecting the local political division, the county, the district, the State or the United States; and expressions of opinion with reference thereto;

2. All objects stated or referred to in Section 2, Chapter IV and Chapter V, of this Act, except nominations for elective offices, and displacement and replacement, when there is not sufficient time for public action by the electors through other means provided in this Act; and when the exigency is unusual and the necessity is urgent;

3. Public action as to pending proposed measures of legislation, or as

to legislation which is believed, by the electors, to be immediately necessary; and instruction of the Representative of the Congressional District as to such matters of national legislation, or of the State Senator, or the Member of the Assembly, from the Senatorial or Assembly District, as to such matters of State legislation;

4. Nomination of persons as candidates for offices to be filled at special elections.

For the object first named, public meetings of the electors may be convened by a call signed by one-tenth, in number, of the electors of the precinct of the registration district, after not less than three, and not more than ten, days general publication and printing of notices, in the same as to time and place;

For the objects mentioned under the second head, by a call signed by one-fourth, in number, of the electors of the precinct or district, or in matters relating to public administration, or official conduct, in the township or county, by a call signed by a majority of the Commissioners of the county, or in such matters relating to a district containing more than one county, to the State, or to the United States, by a call signed by the Governor of this State, after not less than five and not more than twenty days, like publication and action;

For the objects mentioned under the third head, by a call signed by one-fourth, in number, of the electors of the precinct or district, or at the published authentic request of a Senator in Congress from this State, or the Representative in Congress from the Congressional District, or of a State Senator from the Senatorial District, or a Member of the Assembly from the Assembly District, after not less than five, and not more than twenty days, like publication and notice;

For the objects named under the fourth head, by the calls of the Secretary of State and Commissioners of the county, with respect to offices of districts containing more than one county, and State offices; and on the call of the Commissioners of the county, only with respect to precinct, township, municipal and county offices, after not less than five days like publication and notice.

SEC. 3. The official calls of the Governor and Secretary of State shall be sent by mail or express, or, when the urgency of the case demands it, by telegraph at the expense of the State, and in due time to the several Commissioners of the several counties in which public meetings are to be held, for the object or objects herein designated. The Commissioners of the several counties, on receipt of such calls, shall immediately prepare and send to each Register of the county notices of such meeting, leaving the places of meeting blank. The Register of each district shall fix the place of meeting in the same, and during the time prescribed shall publish and post notices of the meeting as required by law. When a Senator or Representative in Congress, or a State Senator, or a member of the Assembly, wishes to call public meetings of the electors for the objects stated in Section 2 of this Chapter, such officer shall publish his request over his signature, in a newspaper or newspapers of general circulation in the State or district, as the case may require, and fix the time of such meetings. The several Registers of the State or district shall take official notice of such publication, fix the places of meeting, and publish and post the legal notices required. Public meetings of the electors for township, county, district, State, or national purposes, except as provided in Section 14, this Chapter, shall be held in and for each Registration District, of the proper political division, or of the State. When public meetings of the electors are called by public officers the call shall

embrace the whole political division or district directly concerned in the public matter or office with respect to which action is to be taken, or the whole State, when a State office or matter is to be acted upon.

SEC. 4. The Register or an acting Deputy Register, shall be present at the time and place legally designated for each public meeting of the electors of the Registration District or precinct, and shall have with him a certified alphabetical list of the registered electors of the precinct, or Registration District. The hall in which such meeting is to be held, if not clear, shall be cleared by the Register, or Acting Register, of all persons therein. This officer shall take a seat in front of a suitable table or desk. In front of and near the Register or Acting Register, shall be placed a small platform, raised one foot from the floor, upon which a person may conveniently stand, when entering into the place of meeting, each elector shall step on this platform, face the Register, or Acting Register, and announce his own name. If the person is known to this officer as an elector, the officer shall find the name of the person upon the list, check it thereupon and say, "check"; when the person shall turn his face toward the body of the hall for a moment, and if no objection is made to his entrance therein as an elector he shall step down and take his place therein. If the Register, or Acting Register, cannot identify the person as an elector; or, if the person shall be challenged by a known elector, the Register, or Acting Register, may require the person to produce his certificate of registration, or two reputable electors of the district, who shall testify, under oath, as to his identity. The officer may also administer to the person the following oath, or affirmation:

"You do solemnly swear (or affirm) that you are the person who is registered in this Registration District, in the name of ——(giving the name), and that this is your name."

If then the Register, or Acting Register, shall be satisfied as to the identity of the person, he shall so declare, when this officer and the person recognized by him as an elector shall proceed as already prescribed. Persons who claim to have been excluded from the meeting wrongfully, by the Register, or Acting Register, may appeal to the meeting, after its organization, from his decision; and if the majority of the electors present shall then decide in his favor, his name shall be checked by the Register, or Acting Register, and he shall be allowed to enter and take part in the meeting.

SEC. 5. As the electors are thus identified and admitted, the Register, or Acting Register, shall make for each a tally mark on a suitable sheet of paper, and, when the time at which the meeting was called arrives, he shall foot these tallies, and announce to the electors present whether or not their number is sufficient. If enough electors are present, the Register, or Acting Register, shall call the electors to order, and state to them that the number is sufficient. If there are not enough electors present, the meeting may be postponed for an hour, and, at any time within the hour, when the requisite number have been tallied, this officer may call the electors to order, and make the statement above given as to the sufficiency of the number in attendance. The electors present shall then nominate, by voice, one or more of their number, as Chairman of the meeting, and they shall then elect a Chairman in the manner hereinafter stated. The Register, or Acting Register, shall act as Secretary of the meeting, with such assistants as the meeting may appoint. When a Chairman has been elected, and has taken his seat, the

Register, or Acting Register, shall read the call or notice under which the meeting was convened, when the Chairman shall note such further explanations of its objects as he may deem proper. The business of the meeting shall then be proceeded with, in conformity with the rules stated in the following Section, and when these do not clearly or properly apply, with established parliamentary rules.

SEC. 6. In all cases voting shall be by actual count, except when a motion, proposition, or resolution shall be carried with unanimous assent. Each public meeting of electors may adopt such means as the majority of the electors thereat may deem most convenient and secure for counting their votes. In the absence of such provisions the following rules shall be observed: Before a vote is taken, not less than two nor more than four tellers shall be appointed by the Chairman, or by the meeting. On questions of order, and important secondary questions, the electors may be called on by the Chairman to rise in their places. When the affirmative shall be thus called those in its favor shall rise, and remain standing until counted. If a count shall show that a majority have voted in the affirmative, the negative need not be called. If objection shall be made to the count there shall be a recount, or the negative shall be called, when those in its favor shall rise and remain standing until counted. In all cases where it does not appear clearly that a majority have voted in the affirmative, the negative must be called.

On all decisive and important questions there shall be a division. Either one side of the hall shall be assigned to the affirmative column, where each shall be ranged in and counted by rank, and the other, or those in favor of either side, shall be required to pass successively over some place, or through some opening, to which is attached a good mechanical register, which will indicate quickly and invariably the true count of those who thus pass. Where there are two separate arrangements of this kind, the count of the affirmative and negative may be taken by their means at the same time.

SEC. 7. The Register, or Acting Register, shall enter the numbers voting aye and no, respectively, on each question; and these numbers shall appear together in his official record of the proceedings. In special cases, hereinafter stated, and in other cases, on call of a majority of the electors present, the names of those who vote aye and no, respectively, shall be taken and recorded. In such cases the Register, or Acting Register, shall read the name of the electors present successively from his list, and each elector, as his name is called, unless he shall decline to vote, shall respond aye or no, and, according to his vote, his name shall be entered by the Register, or Acting Register, under one of these heads. Votes upon all decisive and important final action, especially expressions of approval or disapproval of a public administration, or of the conduct of a public officer, and instructions as to legislation, shall be thus taken. Such action shall not be taken as to the fact of approval or disapproval of a public administration, or public officer, or be legally authoritative as to instruction of a legislative officer, unless a majority of all the electors of the precinct, or Registration District in and for which the meeting is held, shall concur therein.

SEC. 8. No legally authoritative action shall be taken, at any public meeting of the electors, at which less than a majority of all the electors of the precinct, or Registration District, in and for which the meeting is held, are present. In the official proceedings of all public meetings of the electors, the whole number of the electors of such precinct or Reg-

istration District, the number of such electors present and acting, and the number voting aye or no, respectively; on each motion, expression, proposition and resolution, shall be distinctly stated. The Register, or Acting Register, immediately after each public meeting of the electors of the Registration District or precinct, in and for which he acts, shall prepare and send to the County Clerk, by mail, express, or other safe conveyance, a certified abstract of its proceedings, with reference to all the objects stated under the second and third heads, in Section 2, this Chapter, affecting the whole county, or district of which such county is part, the State or the United States. When such proceedings affect only a precinct, Registration District or township, the Register shall certify to and publish them officially, for ten days in the newspaper of the county having the largest circulation therein; or, if no newspaper is published in the county, in the newspaper published nearest the county. The Register, or Acting Register, shall furnish to each newspaper of the county having a general circulation in the district or precinct for which he acts, immediately after each public meeting of electors in the same, a copy of all its important public proceedings, and he shall file the original and complete copy of such proceedings in the Registry Office of the Registration District as a part of its permanent records.

SEC. 9. The County Clerk shall carefully file together the proceedings of each meeting held in the county, on the same day, for the same object or objects, and within eight days thereafter, and sooner if practicable, he shall complete the several abstracts, showing the numbers who supported and opposed the public action taken. When he finds that proper public action has been taken by the electors of one-third, or more in number, of the Registration Districts of the county, on a public matter or public matters affecting only the county, he shall immediately publish and continue to publish, for ten days, in the county, abstracts of such action of the electors. He shall send, within ten days, to the Clerk of the proper county, if this is not his own, abstracts of such publication, affecting especially any district of which the county forms part. The County Clerk whose duty it is to make up abstracts of elections, etc., for the district, shall complete and publish in the district abstracts of such action of the electors of the district, at such meetings, within twelve days after the time at which such meetings were held, and continue the publication ten days. The Clerk of each county shall send to the Secretary of State, within ten days, abstracts of such action as to State and national offices, officers and affairs, within twenty days after such meetings, and as much sooner as practicable. The Secretary of State shall make and publish, throughout the State, abstracts of such action by the electors of the State, continuing such publication ten days. In cases of urgency, with respect to pending or necessary legislation, or other important pending public action, the several officers herein named may use the telegraph for sending such abstracts, in the manner provided in Section 12, this Chapter. The abstracts, or results, in such cases shall be published immediately upon their receipt by the proper officer, in the usual manner. When it shall appear from the abstracts that instructions have been voted legally to a State Senator, or a member of the Assembly, the proper County Clerk shall make out and send certificate of the fact, as provided in Section 7, Chapter XXI, of this Act; and when it has been legally ascertained that instructions have been voted to a Senator, or Representative in Congress, the Secretary of State shall send to the Senator, or Representative instructed a certi-

cate reciting the instruction, and stating the facts as to the time and manner in which it was given.

SEC. 10. Public meetings of the electors, called to nominate candidates for an office, or offices, to be filled at a special final election, shall be organized as provided in Sections 3, 4 and 6, of this Chapter. The Register, or Acting Deputy Register, shall have with him a receiving box, which, after having been examined by the Chairman, and as many of the electors as may wish to do so, to see that nothing is contained therein, shall be taken and one of the keys thereof handed to the Chairman, and one to an elector to be appointed by the meeting. The voting for candidates shall be by ballot, the ballots to consist of suitable slips of white paper, and to contain the written or printed title, or titles, of the office, or offices, for which nominations are to be made. The meeting shall elect, from their number, two Inspectors and a Clerk, to act with the Register, or Acting Register, as an Election Board, the duties of which shall correspond, as nearly as may be, with those of such boards in primary and final elections. The electors shall prepare their ballots, in the body of the hall; each approach singly the place occupied by the Election Board, announce his name and present his ballot, folded. If no objection shall be made, the ballot shall be taken by the Inspector and put by him into the receiving box. No challenges shall be allowed during the time of the nominations, and no objection to the right to vote of any person, admitted in the usual manner to the meeting, shall be entertained. When all the electors present, who wish to do so, have voted, the Chairman and the elector having one of the keys of the receiving box, shall publicly open the receiving box, when the Election Board shall proceed, as nearly as practicable, in the manner provided in Sections 1, 6 and 7, inclusive, Chapter XII, of this Act, to count and tally the votes, the ballots, as counted, being filed, and the checking being done on the Register's alphabetical list. When all the votes are counted and tallied, the tallies of the Register, or Acting Register, and Clerk, shall be compared and corrected by the Board, in the usual way, and the results shall be officially certified and announced by the Election Board. An abstract of the results shall be made out immediately by the Election Board, and sent by mail, express, or other safe conveyance, to the County Clerk, at his office.

SEC. 11. The County Clerk, within eight days thereafter, shall make and publish, for ten days, an abstract of the returns so sent and received, or send the same to the Clerk of the proper county, in case of nominations for district offices; or, in case of nominations for State offices, to the Secretary of State within eight days.

SEC. 12. When returns of information, primary elections, or public meetings of electors, have been so delayed that the results shown by such returns cannot be made known otherwise in time, the several County Clerks, and the Secretary of State are hereby authorized to make use of the telegraph for this purpose, and to send, or have sent, by telegraph brief but sufficient abstracts of such returns, the costs of the same to be paid by the county in which the delay occurred.

SEC. 13. When there is to be held more than one public meeting of electors at the same time in any Registration District, or when the Register of the district cannot himself attend such a meeting, he shall appoint for each meeting for which he is not present a deputy to act as Register therein. The Register of each Registration District shall have authority to provide for all public meetings of electors, in the same herein authorized to be called by public officers, and to pub-

lish notices of the same, at the expense of the county, keeping a careful and true account of the cost of the same, and certifying truly as to all bills brought in against the county as to such expenses. In all other cases the expense of public meetings of the electors shall be paid by the electors, by whom they are called, or who participate in such meetings. The members of the Election Board, other than the Register, or Acting Deputy Register, at such meetings, held for the nomination of persons to offices to be filled at a special election, shall each be entitled to three dollars, to be paid by the county. The Register, or Acting Deputy Register, may arrange for the accommodation of visitors and spectators at public meetings of the electors, assigning them a separate place apart from the electors.

SEC. 14. Joint public meetings of the electors of adjoining Registration Districts may be held, on call of one-fifth in number of the electors of each district, published and posted in each district not less than three days, for any public purpose; but all authoritative action by public meetings of the electors legally binding on public officials, shall be taken by the electors in their own proper precincts or Registration Districts. Each elector attending joint public meetings of the electors, in a district adjoining his own, shall take with him, and present to the Register of the district in which such joint meeting is held, his certificate of Registration. This shall be sufficient evidence of his right to participate, unless the identity of the person, or the genuineness of the certificate, shall be denied, when it shall be left to the Register of the district in which the meeting is held to decide as to his right to admission; but a person rejected by the Register may appeal to the meeting from his decision, after its organization, and the meeting may then decide the question.

SEC. 15. There shall not be introduced, or established, in any public meeting of the electors any exclusive, special society, or party test; nor shall subjects of an exclusively special society, or partisan character, be therein entertained or discussed.

CHAPTER XXV.

PREScribes all State officers to be elected by electors; fixes their terms of office; arranges the years of election so that the electors shall have a healthful and regular demand upon their attention to public affairs; specifies the oaths and official bonds required of each, by the statutes of this State.

CHAPTER XXVI.

COMMISSIONS AND CERTIFICATES OF ELECTION.

SECTIONS 1 and 2, inclusive, same as Sections — to —, inclusive, "Act Relating to Officers," etc. Codified and completed from State statutes.

CHAPTER XXVII.

REGULATIONS, VACANCIES.

SECTIONS 1 and 2. Codified and completed from statutes existing, or herein enacted.

SEC. 3. Every office shall become vacant upon the occurring of either of the following events, before the expiration of the term of said office:

1. The death or resignation of the incumbent;
2. The removal of the incumbent from office;
3. The confirmed insanity of the incumbent, found upon a commission of lunacy, issued to determine the fact;
4. A conviction of the incumbent of any felony or offence involving a violation of his official oath or bond;
5. A refusal, or neglect, of the person elected, or appointed, to take the oath of office, as prescribed in Sections 1 to 7, Chapter XXV, of this Act; or when a bond is required by law, his refusal or neglect to give such bond within the time required by law;
6. The ceasing of incumbent to be a resident of the State, district, county or precinct, in which the duties of his office are to be exercised, or for which he shall have been elected or appointed;
7. The ceasing of the incumbent to discharge the duties of his office for the period of three months, except when prevented by sickness or by absence from the State, upon leave, as provided by law;
8. The displacement of elective officers, as provided for in this Act;
9. The refusal, failure, or neglect, of a legislative officer to comply with the instructions of his constituents, as provided in this Act;
10. The decision of a competent tribunal declaring the election or appointment void, or the office vacant.

[For State of Nevada—Sections 4 to 7, inclusive, Chapter XXVII, same as 36 to 39, "Act relating to officers," etc., refer to vacancies; Sections 8 to 17, inclusive, Chapter XXVII, same as 40 to 49, old Act, which may be copied literally, using the word "final" before the word "election."]

CHAPTER XXVIII.

CRIMES AND MISDEMEANORS CONNECTED WITH REGISTRATION—INITIAL AND INTER-MEDIARY PUBLIC ACTION—ELECTIONS AND ELECTIVE OFFICES—PUNISHMENTS.

SECTION 1. Every officer of election who is guilty of unwarrantable rudeness to an elector, or to another officer of election, or who willfully so acts as to subject an elector to unnecessary trouble, or expense in registering, or in the exercise of his right of franchise, or to unnecessary loss of time, by compelling him unwarrantably to go to the office of the Register; or to the polls for the exercise of his rights; or in his official conduct, is wantonly discourteous to an elector, on conviction thereof before a Justice of the Peace of the county, shall be fined not less than twenty and not more than one hundred dollars for each offence.

SEC. 2. Every person who applies to a proper Registry officer for registration as an elector, and every person who applies to a proper

officer of election, to receive his vote, who refuses to be sworn by such officer, as provided in this Act, or who, after being sworn, refuses to answer any pertinent question propounded by such officer, or by any member of an Election Board to which he applies for the purpose, touching his right, or the right of any other person, to register, or to vote, is guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding three months; or by both such fine and imprisonment.

SEC. 3. Every person who makes, offers, or accepts, a wager, bet, or chance, involving the losing or winning, of any valuable thing, upon the result of any election, or upon the success or failure of any person as a candidate, or upon the vote to be cast by or for any person, is guilty of a misdemeanor, punishable by a fine not less than twice the amount, in legal money of the United States, of the wager or bet, or twice the value of the thing wagered or bet, or twice the amount, in such legal money, or twice the value which may be won by the chance offered or taken, and not more than three times such amount or value.

SEC. 4. If the Secretary of State, or any Register, or Deputy Register, or any Inspector or Clerk of Election, or any other officer, on whom any duty is enjoined by this Act, shall be guilty of any wilful neglect of such duty, or of any fraudulent or corrupt conduct, not specially mentioned in other penal sections of this Act, in the execution of any such duty, he, or they, so offending, on conviction thereof, shall be fined in a sum not exceeding two thousand dollars, and imprisonment in the State prison not exceeding two years.

SEC. 5. Every person charged with the performance of any duty, under this Act, who wilfully neglects or refuses to perform it, or who, knowingly and fraudulently acts in violation of any of its provisions, in a manner not specially mentioned in other penal sections of this Act, shall be deemed guilty of felony, punishable by a fine not exceeding fifteen hundred dollars, or by imprisonment in the State prison not exceeding two years, or by both said fine and imprisonment.

SEC. 6. Every person who by force, threats, or by any corrupt means, seeks to control or improperly influence, an elector, in preparing and returning his information, or to deter him from making up and returning the same, or who attempts, by any means, to awe, restrain, disturb, or hinder, any elector, in the free expression of his personal knowledge, preferences, wishes, and opinions, upon the information sheet, which has been sent or given to him by the proper Register, or who, being employed or permitted by an elector to insert in the proper places in such sheet, the names of persons preferred by such elector, or to state therein the measures, policy, or action which such elector wishes to recommend, inserts other names, or writes therein false statements as to these matters, or by falsehood, misrepresentation or deceit, causes such elector to make out and send, or hand to the Register a different return as to those matters, from that which he desired and intended to send; and every person who forges or counterfeits an information, or knowingly makes, or sends, or hands, to the Register, a false, or forged, or counterfeited information, shall be guilty of felony; and, on conviction thereof, shall be punished by a fine not exceeding three thousand dollars, or imprisonment in the State prison not exceeding five years, or by both such fine and imprisonment.

SEC. 7. Every person who gives, or offers, a bribe to any officer, or member, of any caucus, political convention, public meeting of electors, meeting of the people, or to any elector, at any primary election, or po-

litical gathering of any kind, held for the purpose of influencing or procuring nominations of candidates for offices of honor, trust, or profit, in this State, with intent to induce him to be more favorable to one person as a nominee or candidate, than any other, shall be guilty of felony, punishable by a fine not exceeding five thousand dollars, or imprisonment in the State prison not exceeding ten years, or by both such fine and imprisonment.

SEC. 8. Every person who, with intent to promote the election of himself, or any other person, either:

1. Furnishes entertainment, at his expense, to an elector, or to any meeting of electors, either during the initial processes of public action preceding an election, or during an election;

2. Pays for, procures, or engages to pay, for any such entertainment;

3. Furnishes, or engages to pay, or deliver money, for any purpose intended to promote the nomination of any person, or the election of any candidate, or to promote or prevent the displacement or replacement of any elective officer, or to influence electors to support or oppose, at primary or final elections, any law, proposition, declaration, instruction, or resolution, except for the necessary expenses of public meetings of the electors or meetings of the people, in regard to the right of participation in which there is no party or other exclusive test, or the necessary expense of holding and conducting party, or other exclusive meetings, when the true character of such meetings is publicly made known, and the necessary expense of printing and distributing ballots, handbills and other papers, during such initial processes, and previous to and during such election; and any person who, with intent to deceive, represents to any elector, or to any officer or official body, that any meeting from which any elector of the locality is excluded, by reason of any special society, party, or other exclusive test is, or that any such proposed meeting is to be, a public meeting of the electors, or a general meeting of the people, shall be guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars and imprisonment not exceeding six months in the county jail, or by both such fine and imprisonment.

SEC. 9. Every person who seeks to be nominated, as a candidate, at any party meeting, or primary election, or public meeting of the electors, or who, being a candidate at any final election, agrees to appoint or procure the appointment of any particular person to office, position, or employment, as an inducement or consideration for any person to vote for, or procure, or aid in procuring, the nomination, or election, of any such person, or any person not being a candidate, who makes, or communicates any offer, in violation of this Section, and other penal Sections of this Act, to any person with intent to induce him to vote for, or procure, or aid in procuring, the nomination of the person, or the election of the candidate, shall be deemed guilty of felony, and shall be punishable by a fine not exceeding five thousand dollars or by imprisonment in the State prison not exceeding five years, or by both such fine and imprisonment.

SEC. 10. Every person not entitled to be registered as an elector, who fraudulently procures his registration, and every person who, being once registered, fraudulently procures for himself more than one registration, in one or more registration districts; and every person not entitled to vote who fraudulently votes, and every person who votes more than once at any election, who makes false erasures or entries in the Official Regis-

ter, or upon any official registry lists, or upon any registry book or paper, or who adds ballots in any envelopes, or otherwise, to those placed in any receiving box or ballot box, or who in any way changes such ballots or abstracts any ballots lawfully delivered or polled, with intent to change the result of such election, or carries away, or destroys, any book or record, or official document, belonging to the office of the Register, or Acting Register, or any book, ballot, receiving box, ballot box, or tally sheet, or other paper, for the purpose of interfering with, or breaking up, an election, or fraudulently changing its results, or in any manner interferes with the officers of the Registry, collectors, or other legal receivers of votes, or any officer of an Election Board, or with electors lawfully exercising their right to make up and deliver their votes to any legally appointed receiving officer, at the time or place legally authorized, or to officers of an Election Board, at the proper election polls, so as to prevent any elector from voting, or election canvass from being properly held, shall be guilty of felony, punishable by a fine not exceeding five thousand dollars, or by imprisonment in the State prison not exceeding five years, or by both such fine and imprisonment, at the discretion of the Court.

SEC. 11. Every person not entitled to be registered who fraudulently attempts to be registered, and every person not entitled to vote who fraudulently attempts to vote, or who, being entitled to registration, attempts to have himself registered more than once, in one or more Registration Districts, who, being entitled to vote, attempts to vote more than once at any election, or who procures, counsels, or assists the fraudulent registration of another person, knowing that the person is not qualified to register, or to vote, shall be guilty of felony, punishable by a fine not exceeding five thousand dollars, and by imprisonment in the State prison not exceeding five years, or by both such fine and imprisonment.

SEC. 12. Every Receiver of Votes, Register, Acting Register, Inspector, Judge, or Clerk, of any election, who, except at the request of the elector concerned, and, on examination of original and duplicate ballots, as provided in this Act, previous to the time fixed by law for opening the voting envelopes, and in any other manner than that prescribed by law, attempts to open any such envelope containing ballots to find out any name upon any ballot, or any proposition, declaration, instruction, legislative act, or other thing, voted for on any ballot, or who, except as a witness in legal proceedings, or in the discharge of his legal duties, at such election, without express consent of the elector, declares the name of any person or any thing voted for by an elector, with which he has become acquainted in the performance of his legal duties, connected with such election, such Receiver of Votes, Register, Acting Register, Inspector, Judge, or Clerk of Elections, shall be guilty of a misdemeanor, and shall be punished with a fine of not less than fifty and not more than one thousand dollars, or imprisonment in the county jail for not exceeding six months.

SEC. 13. Every person who, by force, threats, menaces, bribery, or any corrupt means, attempts, directly or indirectly, to control or influence an elector in the delivery or casting of his vote, or to deter him from the same, or attempts by any means to awe, restrain, or hinder, or disturb, any elector in the free exercise of the rights of suffrage, or furnishes an elector wishing to vote, who cannot read, with a ballot, or ticket, informing such elector, or giving him to understand, that it contains a name, or names, written or printed thereon, different from the name or names so written and printed, or defrauds any elector at such election, by

deceit, and causes such elector to vote for a different person for any office, or for a different purpose, or measure, than he intended or desired to vote for, or who, being a Receiver of Votes, Register, Acting Register, Inspector, or Clerk, of any election, while acting as such, induces, or attempts to induce any elector, by menace, reward or promise, to vote differently from the manner in which such elector intended or desired to vote, or any person who attempts to control, or any Collector, or Receiver of Votes, in this State, who attempts to influence to vote or to abstain from voting, for or against any person or thing, or improperly influence an elector, or public officer, in the exercise of his political and legal rights or duties, whether in the initial process of gaining information as to the state of public opinion, and in primary elections, or public meetings of the electors, or in final elections, by promises of the favor or support, or by threats of the disfavor or opposition of any person, coterie, special society, political club, or political party, shall be guilty of a felony, punishable by a fine not exceeding one thousand dollars, or by imprisonment in the State prison for a term not exceeding five years, or by both such fine and imprisonment, at the discretion of the Court.

SEC. 14. Every person who forges or counterfeits registration lists, certificates of registration, or any registry paper, or substitutes them for the true, or who forges or counterfeits returns of elections, purporting to have been held at a precinct, town or ward, where no election was held, or wilfully substitutes forged or counterfeit returns in place of the true returns of a precinct, town or ward, where an election was held, is guilty of felony, punishable by imprisonment in the State prison for a term of not less than two and not more than five years.

SEC. 15. Every Collector and other receiver of votes, and every Register and Deputy Register, Inspector, or Clerk of Election, who wilfully commits any breach of trust in the reception, care and delivery of the votes of the electors, or in the keeping and use of any book, paper, or record, relating to registration, information or election, receiving box, or ballot box, or who wilfully permits the tampering with, forging, abstraction, or destruction, of any of these things herein enumerated, is guilty of felony, and shall be punished by a fine not exceeding five thousand dollars, or by imprisonment in the State prison not exceeding five years, or by both such fine and imprisonment.

SEC. 16. Any member of the Senate or of the Assembly of this State, or other officer of the State, who knowingly continues in the exercise of his office after the same shall have become vacant under the provisions of law, contrary to such provisions, is guilty of felony, punishable by a fine not exceeding five thousand dollars, or imprisonment in the State prison not exceeding five years, or by both such fine and imprisonment.

SEC. 17. No person shall sell, give away, or furnish, or cause to be sold, given away, or furnished, either for or without pay, within this State, during election hours, on any day in which a general election is held, nor within the limits of any county or city, on any day in which any special or municipal election is held, any spirituous, malt or fermented liquors or wines; and any one so doing shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the county jail not less than one and not more than six months. The Judges of the District Court of the several districts of this State, shall specially give this Act in charge to every Grand Jury empanelled in their respective districts; provided, that this prohibition shall

not be construed to restrain the liberty of persons to use those beverages in their usual and customary manner in their own families.

SEC. 18. The Governor is hereby authorized and directed, at least thirty days previous to any general election, and fifteen days previous to any special election, to issue a proclamation offering a reward of one hundred dollars for the arrest and conviction of any person violating any of the provisions of this Act, as to initial public action or elections, when the crime is a misdemeanor, and a reward of two hundred dollars for the arrest and conviction of any person guilty of felony, as herein provided. All moneys collected under the provisions of this Section shall revert to the General School Fund of the several counties where such actions were brought.

SEC. 19. Every person convicted of felony under the provisions of this Act, or of any law of this State, thereby forfeits the right to vote, and can only be restored thereto by an act of the Legislature, or an executive pardon, granted on recommendation of a Board of Pardons, to consist of three or more commissioners, appointed for that purpose, and qualified according to law.

CHAPTER XXIX.

CRIMINAL ACTION FOR OFFICIAL MISCONDUCT.

SECTIONS 1 to 10, inclusive, same as Sections 63 to 72, inclusive, "Act relating to Elections," etc., approved March 12th, 1873. Statutes of Nevada.

CHAPTER XXX.

IMPEACHMENT.

SECTIONS 1 to 10, inclusive, same as Sections 73 to 82, inclusive, "Act relating to Elections," etc. Statutes of Nevada.

CHAPTER XXXI.

DISTRIBUTION OF PAMPHLETS CONTAINING THIS ACT—EXHIBITION OF BALLOTS WITHIN ONE HUNDRED FEET OF POLLING PLACE FORBIDDEN—PRESERVATION OF ORDER AT ELECTIONS.

SECTION 1. The Secretary of State shall cause to be printed, in pamphlet form, a requisite number of copies of this Act, with marginal notes, and properly indexed, which shall be forwarded to him by the County Clerks of the several counties of the State, at least sixty days before the time of holding any general primary election, and he said County Clerk to the Register of each Registration District five copies of said pamphlet for each precinct of the district, and ten additional copies for the Registry office. Five of these pamphlets shall be handed by the Register to each deputy appointed by him to act as Register for an election in each precinct, except that in which the Registry office is situated, at least four days preceding such election, for the use of the electors, Acting Register and Board of Election of the precinct, and shall be returned by the

deputy acting as Register in such precinct, after the completion of the official returns, to such Registry office for the safe keeping, redistribution and use at the next election. The copies in the Registry office shall be for the use of the election officers and electors of the precinct in which said office is located.

SEC. 2. No ticket or ballot shall be given or delivered to, or received by any person, on the day of election, excepting an Inspector, or a Judge acting as Inspector, within one hundred feet of the polling place, nor shall any ticket or ballot which he intends to use in voting, be exhibited by an elector, to any person in such manner that its contents may be known, nor shall any person request another person to exhibit or disclose the contents of any ticket or ballot, within one hundred feet of the polling place, nor shall any ballot be taken from a voting envelope within that distance from the polling place, except by an Inspector, or Judge acting as Inspector. Sheriffs or their deputies, and in their default, other peace officers, are hereby especially enjoined to attend to the enforcement of this provision.

SEC. 3. The Sheriffs of the several counties are hereby authorized to appoint one or more deputies, to serve at each election precinct, for the purpose of preserving order and making arrests, which service is to be paid for in fees, as in other cases. In default of such provision by Sheriffs, Constables may be specially appointed for and assigned to this duty, by the nearest resident Justice of the Peace.

CHAPTER XXXII.

ENCOURAGEMENT OF PRACTICAL IMPROVEMENTS IN THE WORKING OF POPULAR GOVERNMENT—PRIZES AND MEDALS TO BE AWARDED.

SECTION 1. To encourage and promote improvement in the practical working of popular government, it is hereby provided that a silver medal, with an appropriate motto and device, and one thousand dollars in gold coin, as a first prize; and a silver medal with like motto and device, and five hundred dollars in gold coin as a second prize, shall be publicly offered annually by the Governor, and may be awarded for plans of public action, adjudged to contain valuable improvements over existing methods, especially with respect to facilities for initial, intermediate and final public expressions and action, and to the convenience, independence and freedom of the electors; or valuable improvements in administrative practices and legislative methods.

SEC. 2. The Governor, Chief Justice and Supreme Judges, or a majority of them, shall form the committee of examination and award. On or before the first day of June of each year, the Governor shall cause to be published, in a daily newspaper of general circulation in this State, for sixty days, a notice that these prizes are open for competition, and requesting those who have ideas of improvement to suggest, to send their matured and carefully stated plans to the office of the Secretary of State, properly enclosed, and endorsed with the words "Proposed Plan of Public Action," on or before the first day of November. All such plans received at the office of the Secretary of State shall be there retained unopened until the meeting of the Committee of Examination and Award, which shall be held immediately after the completion of the official returns of the last general final election, when all enclosed plans shall be placed, by the Secretary of State, in the hands of the Committee, by

whom the enclosures shall be opened, and the plans carefully examined and considered. If it shall be the opinion of the majority of the Committee that one or more of these plans, if put into practice, would effect an important improvement in or over existing methods of public action, they shall award the first prize to the author of the plan which they shall consider to possess the highest degree of excellence, and the second prize to the author of the plan which, in their estimation, is next in its degree of excellence. If it shall be the opinion of a majority of the Committee that no valuable improvement would result from the adoption of any of the plans proposed, no prize shall be awarded; or if, in their estimation, there is but one plan of sufficient merit to be entitled to a prize, but one prize shall be awarded, and this may be the first or the second prize, according to the degree of excellence which this plan shall be adjudged by the Committee to possess. The Committee shall give to the author of each plan for which a prize has been awarded, with the medal and warrant for the gold coin, a written testimonial and acknowledgment of its value, and of the fact that he has received for them the award.

SEC. 3. The Secretary of State is hereby authorized to procure the two medals provided for, at public cost, and to provide the motto and device for each, at any time previous to that of making the award. Immediately on the rendition of an award, the Committee shall make and hand to the Secretary of State a certificate as to the nature of the award, and designating the person to whom it has been given. This certificate the Secretary of State shall present to the State Controller, who shall immediately issue his warrant upon the State Treasurer for the amount awarded, in gold coin, in favor of the person to whom the award was given. The Secretary of State shall then hand the warrant to the Committee, by whom it shall be handed or sent to the person in whose favor it is drawn.

CHAPTER XXXIII.

REPEALING SECTIONS.

[This Chapter should specify and repeal all acts and parts of acts in conflict with any provisions of this; define elections, used elsewhere in the statutes to mean final elections, as used in this Act.]

Your Memorialists further pray your Honorable Body to secure from the hazard of sudden or legislative change, the reforms and improvements provided for in the Act hereinbefore submitted, for obtaining legalized expressions of the intelligence, judgment and will of the political people in whom, under our form of government, the sovereignty resides.

This, they believe, will be done by having in the Constitution of the State the substance of the provisions hereinafter specified. They accordingly pray you to examine and decide what amendments to our State Constitution may be needful to that end, and, as early as practicable, in conformity with our organic law, to cause these amendments to be submitted to a vote of the people.

We preface our proposed constitutional "provisions to be hereinafter specified," by a few observation, on the

CONSTITUTIONALITY OF THE PROPOSED ACT.

[This will be a question for legal examination in each State. The subjoined remarks thereon for the State of Nevada are suggestive as to the points of support or defect thereof for the proposed law in other State Constitutions.]

Assuming the constitutionality of the existing laws of this State, with respect to vacancies in office, no change in our State Constitution will be required for the enactment and enforcement of the law herein proposed.

The only subjects as to which constitutional doubts may arise, are—

1. Submission of legislative acts to the votes of the electors, for their sanction;
2. Instruction of legislative bodies and Representatives;
3. Displacement and replacement of elective officers.

First—Under the Constitution of the State of Nevada, an act passed by the Senate and the Assembly, and approved by the Governor, becomes a law; but conditions may be prescribed by the Legislature, without which the act shall not take effect. One of these conditions may be its sanction by the votes of the electors. Section 1, Article II, Constitution of the State of Nevada, declares that persons possessing the qualifications of electors “shall be entitled to vote for all officers that are * * * elected by the people; and *upon all questions submitted to the electors at such elections.*” This clearly and positively implies that public questions may be so submitted.

Second—There is no doubt as to the power and duty of the Legislature to provide legally for the enforcement of the declaration contained in Section 10, Article I, of the Constitution of this State, as to the right of the people to instruct their representatives. This must include the power to declare vacant the office of a representative who violates the instruction of his constituents.

The Constitution of this State assumes that vacancies will occur in the offices of Senator and member of the Assembly, and it provides that the Governor shall issue writs of election to fill such vacancies. It does not say what causes or events shall create such vacancies. It was intended that the Legislature should declare these causes and events. This the Legislature has done, and its authority in the matter has been questioned. The Legislature has also exercised this power generally as to District and State officers. Section 35 of “an act relating to officers, their qualifications,” etc., says: “*Every office shall become vacant upon the happening of either of the following events.*” Among these events, are, death; resignation; legal removal; insanity; felony; ceasing to be a resident; ceasing to discharge the duties of an office; decisions of a competent tribunal that an election, or appointment, is void, and the office vacant.

The act says, in the next section, 36, “But when a vacancy shall occur in the office of a member of the Legislature, during the session thereof, such vacancy shall be notified to the Governor by the presiding officer of the House in which such vacancy occurred,” showing that these provisions apply to members of the Legislature. If these provisions are within the constitutional power of the Legislature, it has like power to declare vacant the office of a Senator or a member of the Assembly, who violates the instructions of his constituents, legally given.

The authority of the Legislature given by the Constitution, to establish

by law, county, township and municipal government, confers the right of making the tenure of the legislative offices of those political divisions, depend on compliance with such instructions.

Third—The same remark applies equally to the power of the Legislature to authorize the displacement and replacement by the electors of the elective officers of the political divisions above named; such power is expressly given in Section 4, Article VII, which is as follows: "Provision shall be made by law for the removal from office of *any civil officer*, other than those in this article previously specified, for malfeasance or misfeasance in the performance of his duties." The officers previously specified "were the Governor and other State and Judicial officers, except Justices of the Peace." Members of the Assembly and other legislative officers, are not included in these exemptions. The formally expressed wish of the majority of electors for the displacement of an officer should be sufficient evidence of his non-performance, or improper performance of his duties.

The Constitution is not explicit as to vacancies in Judicial and State officers. There are provisions which imply that vacancies therein may occur, from incapacity, resignation, displacement, and other causes; but they are not positive or specific. The only provision bearing directly upon the subject is contained in Section 8, Article V, which says: "When an office, *from any cause*, shall become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy," etc.

The only question as to the power of the Governor, in such cases, is as to the fact of vacancy; and the clear implication from this provision is, that when there is no constitutional provision specially applicable to the subject, the Legislature may enact the necessary legislation. This view has been taken and acted upon by our legislators, and accepted by all our public officials, except in a single instance.

The Supreme Court of Nevada has decided that a vacancy in the office of District Judge cannot be legally declared by the Legislature as legally filled by the Governor, in case of the insanity of the incumbent, established before a commission, appointed to try such cases, the argument of the Court being that when the Constitution has provided specific methods of removal for specific causes, an incumbent cannot be removed in any other way, or for any other cause. This decision might leave the people without a judiciary in the interim between the regular judicial elections.

By the provision last quoted the framers of the Constitution intended to provide against such a contingency. If the decision referred to was based on the principle of strict construction, it seems that the Court had a narrow and imperfect conception of the principle. It is conceived that the true principle of legal and constitutional construction in popular governments is, strict construction in all things that may enable public officers and agents to invade, restrict or infringe public power and rights: liberal construction in all things necessary to maintain, protect and render more effective such power and rights. Under this principle the people could not be deprived of the means of adjudication, simply because the Constitution failed to say, in so many words, that, when the incumbent of any office shall become entirely incapable of performing his duties, the office will be vacant.

In any case, objections to the constitutionality of the proposed Act can only affect the displacement and replacement of Judicial and State officers.

The question of the constitutionality of confining the choice of electors for Judicial and State officers, at final elections, to any number of persons nominated at primary elections depends on the construction given to the phrase "chosen by the electors." Practically our only choice now is between the candidates of the two principal parties. While, under the new system, it may or may not be desirable that the electors shall have power to establish such rules as they may deem best as to the extent or limitation of choice at final elections. I believe that, from necessity, without any law requiring it, such choice will be confined ordinarily to the two or three persons for each office who received the largest number of votes as nominees at the primary election. The Legislature has power to establish or authorize the electors to establish such rules, as to county and other local affairs. Provision is made, in the proposed Act, for submitting the question as to the limitation of choice by electors of persons for Judicial and State officers, at final elections, to the Chief Justice for his decision.

The provision as to the instruction of Electors for President and Vice President accords, in its chief requirements, with what is now the general practice, and legalizes, as far as possible by State law, that which is binding in justice and honor on those to whom it applies. Electors of President and Vice President are State officers, elected by the people, or the Legislature of the State, to cast the vote of the State. They thus represent the people and the State. The Constitution of the State of Nevada, like the Constitutions of all, or nearly all, of the other States, declares that the people thereof have the right to instruct their Representatives. If they have this right, they have the right to instruct their Electors of President and Vice President. The States entered the Union with this declaration, and it was acquiesced in, if not distinctly recognized, by the General Government. With such a provision as to instruction, Electors of President and Vice President could be held to accountability for violating or neglecting their prescribed duties.

While no changes of the Constitution of the State of Nevada are absolutely necessary to authorize the enactment and enforcement of the proposed law, the following amendments are deemed desirable:

ARTICLE XVIII.

PROPOSED CONSTITUTIONAL AMENDMENTS TO THE CONSTITUTION OF THE STATE OF NEVADA.

SECTION 1. When the word "election" occurs in any provision of this Constitution, heretofore adopted, it shall be construed to mean final election, in contradistinction to the words primary election, which occur in the following Sections of this Article.

GAINING INFORMATION FROM ELECTORS.

SEC. 2. Legal means shall be provided for gaining information from the electors, in their several election precincts and Registration Districts, as to their knowledge, wishes and opinions respecting the public affairs of their respective localities, and of the State and the United States, on or before the first Monday of May of each year; and particularly with respect to the operation of existing laws, and their effects upon the public welfare; as to the public measures which should be adopted; the

preferences of the electors of persons for public offices; as to elective officers whom the electors may desire to displace, and the persons whom they will recommend to replace such officers; and as to the approval or disapproval of local, State and national administrations, and the official conduct of public officers.

PRIMARY ELECTIONS.

SEC. 3. On the first Monday of September of each year there shall be a general primary election, for the nomination of persons legally qualified for elective offices of the several precincts, townships, counties and districts, and of the State; and, in the year preceding that fixed by law for the election of a United States Senator by the Legislature, the nomination of persons for the office of United States Senator; and, in the year of a Presidential election, the nomination of persons for the offices of President and Vice President, as well as for the offices of Electors of President and Vice President; for the recommendation of persons for State and national offices, which are filled by appointment; for voting upon propositions for the displacement of elective officers, and for persons as candidates to replace such officers; and for expressions by the electors of their desires and judgments as to political principles, legislative action, and public policy.

EXTENT OF CHOICE AT ELECTIONS.

SEC. 4. The expressions by electors of choice of persons for public offices, at primary elections, shall extend to all persons legally qualified for such offices. Such choice by electors, at final elections, may extend to all persons legally qualified, or may be confined, by law, to any number, not less than two of the persons who, at the last general primary election, or public meetings of the electors, received the highest number of votes as candidates for any precinct, township, municipal, district, or State elective office.

PERSONS MAY BE CHOSEN TO OFFICE BY THREE-FOURTHS OF THE ELECTORS IN INITIAL ACTION, AND BY TWO-THIRDS AT PRIMARY ELECTIONS.

SEC. 5. It may be provided, by law, that persons who have been recommended in the returns of information by three-fourths of the electors of the proper political division, for the elective offices of the same, or by three-fourths of the electors of the State for elective State offices, which ordinarily are to be filled at the next ensuing final election, shall thereby be legally chosen for these offices; or, it may be so provided that persons who have been nominated for such offices, at a primary election, by two-thirds of the electors of the political divisions in which such offices are to be held and exercised, or of the State as to State offices, shall be thus chosen to fill such offices; and that no further election as to such officers shall be necessary.

DISPLACEMENT AND REPLACEMENT OF ELECTIVE OFFICERS.

SEC. 6. When the electors of the proper political division, or of the State, in the case of State offices, have voted, at a general primary election, in favor of the displacement of an elective officer, and persons have been nominated at such election to replace such officer, that one of such persons, who, at the next general final election, shall receive a majority of all the votes cast, in the proper political division, or in the State as to State offices, shall be elected to replace the incumbent of such office, and shall enter upon the duties of such office on the first

Monday of the next January; and, in case no such person receives such a majority, the incumbent of such office shall not then be displaced.

INSTRUCTION TO LEGISLATIVE BODIES.

SEC. 7. Legal provision shall be made whereby the majority of the electors of this State, or the majority of the electors of this State voting, at any general final election, may authoritatively instruct the Senate, and the Assembly, as to any matter of legislation within their constitutional powers. The proceedings necessary for the enactment of laws carrying such instruction into effect, shall take precedence over all the other regular business of each House. On the first day after its organization, each House shall appoint a commission, or the two Houses shall appoint a joint commission, of not less than two nor more than five persons, who may or may not be members of the same, to frame the forms of legislative acts required by such instruction, and report the same to the House, or to the two Houses, on or before the tenth day of the session. On or before the twentieth day of the session each House shall pass an act, or acts, for carrying such instruction into effect; and within three days thereafter, the two Houses shall concur in such act, or acts, which shall then be presented immediately, in the usual manner, to the Governor. If either House fails to enact such legislation, or the two Houses fail to concur therein, within the time herein stated, the legislative session shall be dissolved by the Governor; and, within not less than three and not more than ten days thereafter, he shall order a new election for all the members of the Senate, and of the Assembly, or to fill the places of only those members who opposed or obstructed such legislation, or failed to act, or vote in favor thereof, as may be provided by law. Legal provision shall be made whereby the action of members, or their failure to act in this respect, may be ascertained and certified to the presiding officer of the House, and by such officer to the Governor. Within twenty days after the special election, thus ordered by the Governor, the two Houses of the Legislature, as newly constituted, shall reassemble and complete the session, making the whole of the sitting, before and after such election, sixty days, or such other number as shall have been fixed by law. Legal provision shall be made whereby the legislative bodies of the several political divisions, and the several members thereof, shall be required to carry into effect the legal instructions of a majority of the electors of the same; for declaring vacancies in legislative offices of such political divisions; for failure to obey such instructions; and for ordering new elections to fill such offices.

INSTRUCTIONS TO SENATORS AND MEMBERS OF THE ASSEMBLY.

SEC. 8. Members of the Senate, and of the Assembly, are hereby required to observe and obey the instructions of a majority of the electors of their respective districts, legally given as to matters of legislation within the constitutional powers of the Legislature, when such instructions shall not have been overruled by an adverse instruction of a majority of the electors of the State, or of a majority of such electors voting at a subsequent general final election. When any member of the Senate, or the Assembly, fails to act in accordance with such instructions, not thus overruled, his office shall become vacant, and the Governor shall order a new election, in the usual manner, to fill such vacancy. Laws shall be enacted, prescribing the method of voting instructions, by the electors of the respective districts, to the Senators and members

of the Assembly of the same; for defining the conduct which shall be deemed a failure to act in accordance with instructions, and for proof and certification of such conduct to the presiding officer of the proper House, and to the Governor.

POPULAR SANCTION OF LEGISLATIVE ACTS.

SEC. 9. No general act of the Legislature, nor any act of the Legislature involving an increased public expenditure of more than ——— dollars annually, except to provide against extraordinary public calamity, or protect imperiled public faith, shall take effect, or become a law, until it shall have been approved by the votes of a majority of the electors of this State, or the majority of such electors voting thereon, as may be prescribed by law; and no general act of legislation, of the legislative authority of any political division of the State, shall take effect until it has been approved by the votes of a majority of the electors, or of the electors voting thereon of such political division, as may be prescribed by law. The State Controller, and State Treasurer, shall each make an estimate of the annual increased cost, or saving, to the State Treasury which will result from the administration of each act of the previous session; and the proper local Auditors and Treasurers, shall make estimates of the annual increased cost, or saving, of the public acts of the legislative authority of any political division of the State to the people thereof, within twenty days after their enactment. The average of the estimates for each act of the Legislature shall be made up by the Secretary of State, and the average of the estimates for each local legislative act of any political division of the State by the Commissioners of the county, and published, in connection with the act, in the manner and during the time prescribed by law. All acts submitted to the votes of the electors, shall be submitted by numbers and titles, in the order of their numbers. Acts of the Legislature, which are to be submitted for approval to the votes of the electors of the State, shall not require the approval of the Governor.

SPECIAL LEGISLATION PROHIBITED IN CERTAIN CASES.

SEC. 10. All special legislation, within the scope or province of a general law, which has been approved by a majority of the electors of this State, or of the majority of such electors voting thereon, as may be prescribed by law, shall be null and void.

INSTRUCTIONS TO SENATORS AND REPRESENTATIVES IN CONGRESS.

SEC. 11. Legal provision shall be made whereby the electors of this State may vote *For* or *Against* instructions, as to matters of legislation within the powers of Congress, to Representatives and Senators in Congress from this State, either at the will of the electors, or at the request of such Representative or Senator.

NOMINATION AND VOTE FOR PRESIDENT AND VICE PRESIDENT—INSTRUCTION OF PRESIDENTIAL ELECTORS.

SEC. 12. At the general primary election of the year of a Presidential election, the electors of this State shall nominate persons for the offices of President and Vice President, as well as for the offices of Electors for President and Vice President, for the State; and, at the Presidential election, the Electors of the State shall vote for the persons

whom they prefer for the offices of President and Vice President, as well as for such Electors of President and Vice President. Suitable legal provisions shall be made for instructing the Electors of President and Vice President for this State, to cast their votes for President for the person who shall have received the highest number of votes in this State for that office at such election; and for Vice President for the person who shall have received the highest number of votes in this State for the office of Vice President at such election; *provided*, that, if both of these persons shall be inhabitants of this State, the Electors of President and Vice President shall not be required, by such instruction, to vote for more than one of such persons. Legal provision shall be made for the proper punishment of Electors of President and Vice President who shall violate such instructions.

ANALYTICAL INDEX TO LAW.

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| 26 | 21. | Registration; re-registration. |
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| 27 | 27. | Examinations; objections; challenges, etc. |
| 28 | 28. | Trial of right to register, when refused, by arbitration. |
| " | 29. | When elector accepts arbitration, decision final. |
| " | 30. | Board of arbitration bound, by oath, to give fair hearing and decision. |
| " | 31. | Persons whose names are refused, or canceled, may apply to District Court for writ of mandamus to compel their registration. |

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- 28 32. Electors may apply to said Court to compel the cancelation of names illegally registered.
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- " 34. Certificates.
- " 35. What constitutes residence.
- " 36. Electoral year; registry for same.
- " 37. Publication of registry tests; objections to be made and heard.
- " 38. Publication, in municipal corporations, when their general primary elections are held previous to the 1st of May.
- " 39. Lists of corrections and additions to be published on the second Monday of August; also, on the third Monday previous to the general final election; further corrections to be made.
- " 40. Objections to registry; how made and tried; applicant may apply to District Court to compel officers to register him.
- 30 41. Acting Registers to be appointed for each precinct for each election; books, lists, etc., to be furnished.
- " 42. Certified alphabetical lists to be furnished each Collector and other receiver of votes.
- " 43. Poll books to be prepared and provided for each precinct; by whom used.
- " 44. False swearing before election officers.
- " 45. Transfer of registration.
- 31 46. Oath of Register and Deputy Registers.
- " 47. Salary and compensation of Registers.
- " 48. Salary of Collectors and other receivers of votes.
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- 31 1. Precincts; how established; appointment and notification of Inspectors; appointment of Clerk of election.
- 32 2. Penalty for failure of persons appointed as Inspectors to give notice of non-acceptance; vacancies of Inspectors; how filled.
- " 3. Register, or Acting Register, to act as one of the Clerks of election, and as umpire in differences between the Inspectors.
- 33 4. Oath of Inspectors and Clerk.
- " 5. By whom the oath is administered.

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- 33 1. Initial and intermediary public action declared subject to legal regulation and control; to this end provision is made for gaining information as to the state of public opinion, etc., and for primary as well as for final elections.
- " 2. Information as to wishes and opinions of electors; how obtained.
- 34 3. How information sheets are addressed; notice of Registers to the several

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- 34 3. electors; notice instructs electors as to their rights and duties under the law, and requests them:
First—To state their information and opinions as to existing laws;
Second—To recommend needed changes and amendments;
Third—To make such expressions as they may desire as to approval or disapproval of administrative practices and official conduct;
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Fifth—To make such recommendations as they may desire as to displacement or replacement of elective officers, etc.; and
Sixth—To return to the Registers, within a time specified, their information sheets, properly filled out.
- 36 4. Registers to pay charges for sending information sheets; information blanks not delivered by post or express to the office within fifteen days to be returned; receipts to be taken for information sheets when delivered; Registers may furnish to those who have failed to receive the blanks addressed to them other blanks.
- “ 5. Summaries of the returns of information; how made and corrected.
- “ 6. Form of notice of results; when, where and for what time published; electors notified that returns and books of information are ready for examination and wanted to inspect, correct and verify the same; notice may be varied as circumstances require.
- 37 7. Abstracts of returns of information to be sent by the Register to County Clerk; Commissioners of county to canvass the returns.
- “ 8. Returns of districts containing more than one county; how made up and published; returns as to State and national officers and affairs to be sent to the Secretary of State.
- 38 9. Results of returns to be published in the county by the Commissioners thereof from July 22d to the first Monday of September.
- “ 10. Secretary of State to make up, certify and publish returns of information as to State and national offices, officers and affairs.

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- 38 1. Returns of information and primary elections in municipal corporations; general primary election; objects; to vote specifically:
First—Upon declarations as to political principles, public policy and public affairs;
Second—Upon propositions as to local State and National legislation;
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- 38 1. *Seventh*—For proposing the displacement of elective officers deemed unfit, and the nomination of candidates to be voted for at the next general final election, to replace such officers.
- “ 2. Four plans of voting for nomination for public officers at primary elections, optional with the electors of the several political divisions, and of the State.
- 39 3. Electors may decide at general primary elections which plan they will adopt and use; the smaller divisions conforming to the plan in use in the larger, in all things on which they act in common.

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- 40 1. A general final election, to be held each year, on the next Tuesday after the first Monday of November.
The objects of this election are:
First—The election of elective public officers;
Second—Voting upon Legislative acts;
Third—Voting upon instructions;
Fourth—Voting approval or censure of the local, State and National administration, or any part or officer thereof;
Fifth—Voting for candidates to replace elective officers, whose displacement has been legally proposed.
- “ 2. To determine the nature and extent of choice for public officers at final elections; the electors of the several political divisions of the State, and of the whole State, may vote at any general primary election upon either of the three following propositions:
First—Choice for elective offices at final elections shall be restricted only to the persons legally qualified for such offices;
Second—Choice at final elections for each office shall be confined to the three persons who received the highest number of votes as candidates for the same, at the last general primary election;
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- 41 1. Sixty days previous, and up to the time of each general election, the Commissioners of the county to publish notices of the size, texture and color of ballots, and of the size, make and form of voting envelopes to be used at such election.
- “ 2. Notices of all general elections are to be published by the Commissioners at least thirty days preceding the same; form of notices.
- “ 3. Notices of special election; how given.
- “ 4. Expenses of publishing notices to be paid by the county.

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- 42 1. At general primary elections there shall be separate ballots for the following purposes:
- First*—For nominations;
 - Second*—For displacement and replacement;
 - Third*—For propositions as to legislation;
 - Fourth*—For declarations as to political principles, public policy, and public affairs.
 - Fifth*—For declarations as to administrative policy and practice, and official conduct and confidence or want of confidence; declarations 4 and 5, when convenient, may be placed upon one ballot.
- 43 2. At general final elections there shall be separate ballots for the following purposes:
- First*—For elective officers;
 - Second*—Legislative acts;
 - Third*—Instructions;
 - Fourth*—Approval or censure of public administrations, or of official conduct.

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- 43 1. These officers to be appointed by Registers; the general duties of Receivers; times for receiving and sending, or carrying, and delivering votes; Collectors of votes.
- “ 2. Collectors to visit electors at their residences, places of business, occupation or resort to receive votes three days preceding and on the day of election; selection of Collectors; they are required to specially accommodate electors who are closely engaged in reputable employments at the times and places indicated as most convenient or agreeable.
- 44 3. Rudeness or want of proper attention to Collectors forbidden; how punished; Collectors not required to submit to unreasonable annoyance or delay.
- “ 4. Registry lists, books, receiving boxes, etc., that are to be supplied to Receivers; Collectors to be supplied, also, with a suitable sack and other conveniences.
- “ 5. Visits of Collectors; notices of same; how arranged.
- “ 6. Votes of persons whose names are not on certified registry lists not received; proviso as to names omitted.
- 45 7. Name on list *prima facie* evidence of right to vote; identity of voters must be established.
- “ 8. Votes; how received; name must be on list; applicant may be questioned, on oath or otherwise, as to his identity; he may be required to produce his certificate of registration, or the testimony of two reputable electors, under oath, as to his identity; receiving officer may still refuse the applicant when he still has strong and reasonable doubts on

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- 45 8. this point; the refused person may appeal, at the proper time, to the Election Board.
- “ 9. Ballots must be enclosed in a legal voting envelope; electors may get certified duplicates of their ballots; method of delivery and receipt of votes.
- 46 10. Method of comparing and certifying duplicates.
- “ 11. Receiving and ballot boxes; of what material; how arranged.
- “ 12. Delivery to Collectors of their receiving boxes.
- “ 13. Daily returns of Collectors; delivery of them; receiving boxes; method of taking out, checking and transferring votes; proceeding when votes of persons whose names are checked by Collectors are not found, and when votes of persons whose names are not checked by them, are are found; re-delivery of receiving boxes to Collectors on day of election; Collectors to deliver their receiving boxes to the Election Board at 5 P. M.
- 47 14. Registers and Acting Registers as Receivers of votes; to receive votes at their offices during the three days preceding a general election; when a person applies to vote in name already checked, or a vote is delivered in that name, the question of identity must be raised at once and decided.

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- 48 1. Electors of the several political divisions may authorize express, telegraph and other companies to receive, transmit carry and deliver votes; also, the use of the postal facilities and private messengers for this purpose.
- 48 2. How arrangements are to be made with such companies and notices published; authorization, designation, and instruction of officers and employees of such companies; notice to be given; how they may receive votes.
- “ 3. Designation of local operations; votes may be sent by telegraph from any part of the United States.
- “ 4. Telegraph operatives and postal officers, before receiving a vote officially, must see the certificate of registration; if the person agrees with the description, they must so certify; if the person does not so agree, they cannot legally receive his vote; ballots for transmission must be prepared in duplicate; how ballots may be transmitted by telegraph; sending operator to testify to the identity of a person, if he is known to the operator; if not, he is to get and send the sworn certificates of two reputable citizens of the vicinity of the sending officer, known to him, as to identity; how votes and certificates are to be received at the office of destination, and how enclosed and delivered to the Register, or Acting Register; how votes are to be received, sent, and delivered by post; votes may be sent by telegraph during the four days preceding, and up to 4 o'clock of the day of election; by post ten days previous, and up to the time when they can reach the Election Board by noon of the day of election; votes received by telegraph or post may

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- 49 5. Two methods provided for appointing and employing messengers; electors using the facilities provided in this Chapter will do so at their own expense.

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- 50 1. Opening and closing the polls.
 " 2. Ballot box; how locked, kept and cared for.
 " 3. Poll books and use of same; Inspector's stamp; by whom the votes are to be received; differences of Inspectors to be referred for decision to the Register, or Acting Register; use of books, photographs, etc., for proof of identity.
 51 4. Arrangement of poll books.
 " 5. How votes are to be received by the Receiving Inspector and the Election Board.
 " 6. Delivery of votes by electors at the polls; certifying duplicate ballots at the polls.
 " 7. Requirements of Sections 6, 7, 8, 9 and 10, Chapter IX, of this Act, to be observed by Election Boards; name of applicant must be on the poll books; its presence there is evidence of the right to vote; identity may be questioned; applicant must answer truly as to this.
 52 8. Challenges; oaths; proof of identity, etc.
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- 52 1. Opening Register's receiving box; taking out and opening voting envelopes.
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 " 4. Opening Collector's receiving boxes, and proceeding as required in Sections 1, 2 and 3, of this Chapter, with a slight exception stated.
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 " 6. Review and comparison; correction when the vote of a person whose name is checked is not found; fact to be noted in column for remarks.
 " 7. Duplicate ballots in whole or part: what is to be done with the same; excess of persons voted for; when ballots are to be rejected; if one name is printed and another written, the printed name to be rejected; a name substituted for one printed, otherwise than by writing with ink or pencil, to be rejected.
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- 55 1. Tally sets, sheets or books for insertion of copies of propositions, declarations, instructions, etc., voted for, to be provided to the Election Board; arrangement of the tally sets.
- “ 2. Tallying the votes for officers.
- 56 3. Tallying the other ballots; each specified matter voted upon to be copied, classified, numbered, etc.
- “ 4. Expressions compared; differences noted; how tallied.
- “ 5. Tallying the votes For and Against legislative acts.
- 57 6. Addition; comparison; correction; statement and certification of preliminary count.

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- 57 1. The Register, or Acting Register, and Clerk, are to copy from the poll book:
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- Third*—The names of all electors whose votes were withheld for reason of illegality;
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- Notices containing these lists to be published; the first class will be notified that, if they can show before the Election Board, at a given time and place, that their failure to vote was due to criminal or illegal acts of others, their votes will be received; the second class will be notified that their votes will be received; the third class will be notified that evidences as to the legality or illegality of their votes will be taken, and all votes withheld then found legal will be received; the fourth class will be notified that, if they can show that the obscurity or errors were not due to their own unjustifiable neglect, or criminal or improper intent, they will be allowed to make proper corrections, etc.; persons who can then prove, before the Election Board, that their names were on the Official Register, but omitted from the lists, may then vote.
- “ 2. Persons whose votes were destroyed by the violence of others, or stolen, and persons who, by violence or intimidation, were prevented from voting, can then vote.
- 58 3. The Election Board is to meet at an appointed time and place the next day after the completion of the preliminary count, when they will hear and decide questions as to illegality of votes, and receive proper votes, before wrongfully excluded or withheld.
- “ 4. Two days after the preliminary count, or sooner if their other business is concluded, the Board shall meet, count the additional votes, make the necessary corrections, and make out and certify to the corrected or official count.

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- “ 5. A full record is to be kept by the Register, or Acting Register, and the Clerk, of all proceedings of the Election Board after the preliminary count; the two reports to be compared, corrected and certified; all these proceedings, excepting those parts involving a public knowledge of persons or things voted for by the electors, are to be in public.

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- 58 1. Abstracts of votes to be made out by the Register, or Acting Register, and the Clerk; forms of same.
- 60 2. One set of papers, books, and proceedings, including ballot book, to be made up and sent to the County Clerk; another set, except ballot book, to be made up and deposited in the proper registry office.
- “ 3. All but ballot book, tally sets and proceedings of the Election Board, to be open to public inspection; those in legal proceedings only on order of the Court.
- “ 4. Commissioners of the county to open returns and canvass the vote; when a Commissioner is voted for, the District Judge, or Judges, or some person appointed by him or them; his duty as to Commissioners.
- 61 5. Abstracts of votes at primary elections for the county; when and how made.
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- 62 7. Certificates of election to members of the Legislature, district, county, township and precinct officers; in case of a tie, a special election to be ordered.
- 62 8. Compensation of election officers.
- “ 9. Certificates of amounts due them to be given by the County Clerk; amounts to be paid out of the County Treasury.
- “ 10. Abstracts of the votes at primary elections as to State and national offices, officers and affairs, to be made and sent by the Clerk to the Secretary of State, on or before the 10th of October; the Secretary of State and two Inspectors, to be appointed by the Governor, to canvass the votes and declare the results, and publish the same from the 15th of October to the day of the general final election.
- 63 11. Supreme Judges, at the office of the Secretary of State, to canvass the returns of general final elections for members of Congress, district and State officers, and legislative acts and expressions as to State and national affairs.
- “ 12. The Governor to commission persons elected to these offices, and to certify the votes on legislative and such expressions.
- “ 13. In case of a tie the Governor is to order a new election.
- “ 14. Votes for President and Vice President, and Electors of the same, to be canvassed on the fourth Monday after the Presidential election.
- “ 15. Certificates and commissions are not to be withheld on account of mere informality or defect in returns.
- “ 16. When the returns of a county are not received at the office of the Secretary of State on or before the 5th day of October, that officer may

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- send to the county a special messenger for the same, at its expense; after thirty days the Secretary of State may certify, with State seal, to the proper District Attorney, such omissions and failures, and this shall be taken as sufficient presumptive evidence of the same.
- “ 17. Method of determining and designating the county to which the returns for the district are to be sent; returns; how made, declared and published; certificates to district officers.
- 65 18. How returns are to be sent by County Clerks, when not otherwise directed.

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- “ 2. Same on stipulation of parties to an election contest.
- 66 3. Appointment by District Court, in certain cases, of a legal commission to examine and correct information and primary election returns.

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- 67 1. Contested elections of county and township officers; reasons to be alleged.
- “ 2. Election not to be annulled, unless the proved illegal votes change the result as to the remaining vote.
- “ 3. Contestant's statement.
- “ 4. Allegations as to illegal votes: lists of same; evidence to be confined to these; District Court has original jurisdiction; it may obtain all documentary evidence required.
- 68 5. If particular cause of contest is alleged with sufficient certainty, it is immaterial as to form.
- “ 6. Notice to be given to parties as to time of hearing the case.
- “ 7. Contested elections to have precedence in the Courts, in certain cases.
- “ 8. Issuance of subpoenas; compulsory attendance of witnesses.
- “ 9. Certificate of election to be given by the County Clerk to the proper person, on the certified judgment of the Court.
- “ 10. Losing party to pay costs; Sheriff's and witnesses' fees.
- “ 11. Unless appeal is taken within thirty days judgment stands, but the Court may declare what person was duly elected, and the Clerk of the proper county shall issue a certificate of election to that person.
- “ 12. Contest for a District Judgeship shall be tried before the District Court of the nearest adjoining district.
- “ 13. The District Attorney may bring action, in the name of the State, against any person who holds unlawfully a public office within this State; it is his duty to do so when he believes the office to be unlawfully held, when so directed by the Governor.
- “ 14. The District Attorney may set forth the name of the person entitled to

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the office or franchise; if proved that defendant has received fees or emoluments by reason of his usurpation, he may be arrested, as in other civil cases.

- 69 15. The person adjudged entitled to the office may recover, by action, the damages consequent on the usurpation.
- “ 16. One action may be brought to decide all conflicting claims to the same office.

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- 69 1. Same as 52 (old law), Act relating to officers, etc.
- “ 2. Same as 53 (old law), Act relating to officers, etc.
- “ 3. Same as 54 (old law), Act relating to officers, etc.
- “ 4. Same as 55 (old law), Act relating to officers, etc.
- “ 5. Same as 56 (old law), Act relating to officers, etc.
- “ 6. Same as 57 (old law), Act relating to officers, etc.

CHAPTER XIX.

ELECTION CONTESTS FOR STATE OFFICES.

PAGE. SECTION.

- 69 1. Rights of persons to elective State offices may be contested in the Supreme Court by qualified electors; the Attorney General is required to prosecute such actions in the name of the people.

CHAPTER XX.

REMOVAL FROM OFFICE—THROUGH THE COURTS—THROUGH THE ACTION OF THE ELECTORS.

PAGE. SECTION.

- 69 1. Unlawful neglect or refusal; malpractice and malfeasance causes of removal from office.
- 70 2. On proper complaint, the District Judge shall cite the person charged before him on a certain day; complaint must be heard within twenty days; if sustained, the Court shall decree deprivation of office, with judgment for \$500 and costs for complainant.
- “ 3. Clerk of Court must transmit a copy of the decree to the Governor within three days, who shall appoint, temporarily, a person to fill the office.
- “ 4. An officer against whom judgment has been rendered shall not hold his office pending an appeal; but the office shall be filled, as in cases of vacancy.
- “ 5. Notices to be published by the Commissioners of the county, in their notices of the next general final election, of all majority votes at the last general primary election proposing the displacement of all elective officers, and of all votes for nominations to replace such officers whose displacement has been thus proposed.
- “ 6. Notice in same case as to District and State officers, to be published by the Secretary of State,
- 71 7. Election of persons to replace officers whose displacement has been thus proposed; when persons so elected enter upon their offices; length of terms, etc.

CHAPTER XXI.

PUBLIC INFORMATION AND RECOMMENDATIONS—EXPRESSIONS OF ELECTORS AT PRIMARY ELECTIONS—INSTRUCTIONS AT FINAL ELECTIONS.

PAGE. SECTION.

- 71 1. The Governor to call the attention of the Legislature to recommendations, as to State and national affairs, of the electors in their last returns of information.
- “ 2. Also, to their proposals and declarations made at the last general primary election.
- “ 3. The Governor is required to call the special attention of the Legislature to each specific instruction voted by a majority of the electors of the State at the last general final election; such instruction, with regard to which the Legislature has constitutional power to act, is declared mandatory upon that body by virtue of the declaration of Section 10, Article I, of the Constitution of the State of Nevada, as to the right of instruction.
- 72 4. Establishes a rule of legislation of the Senate and the Assembly, and makes it a requirement of law upon all local legislative bodies, after official proof of specific instruction, to appoint a commission to prepare and report the form of an act for carrying such instruction into effect; then to enact proper laws for this purpose.
- “ 5. Specific instruction legally given by a majority of the electors of the district to a State Senator, or member of the Assembly, is mandatory upon these officers, when not overruled by subsequent contrary instruction by a majority of the electors of the State to the Legislature.
- “ 6. When such Senator, or member of the Assembly, after due and proper notice and opportunity, fails to comply with such instruction, when the same is not overruled as stated, his office becomes vacant; the same provision applies, under like circumstances, to local legislative boards.
- “ 7. The County Clerk who makes out the returns of the Senatorial or Assembly district, shall make out two certificates of each specific instruction voted to any State Senator, or member of the Assembly, and send one of these certificates to the Senator, or member of the Assembly instructed, and the other to the House of which he is a member; the Journal Clerk of the proper House, immediately upon the receipt of the certificate, shall copy it in his journal; if, after this, the member shall act in violation of his instruction, or fail to act in accordance therewith, his office shall cease; if he shall then attempt to exercise it, he shall be subject to punishment, as provided in Section 16, Chapter XXVIII; the presiding officer of the proper House to notify the Governor, as in other cases of vacancy; provided, that such member may appeal to the House as to the question whether the instruction was legally given.
- 73 8. At the request of a Senator, or Representative in the Congress of the United States; or of a State Senator, or member of the Assembly, the electors, when returning their informations, or, at a primary election, may express their opinions and wishes as to specific matters of legislation, or vote instructions as to the same at a final election, the request is to be made and published in the manner and during the time prescribed.

PAGE. SECTION.

- 74 9. Representatives in Congress may be instructed by a majority of the electors of their respective districts; the Secretary of State to notify the instructed member.
- “ 10. It is declared to be the duty of the Legislature to instruct the United States Senators from this State, in accordance with a request proposed by a majority of the electors at a general primary election, and approved by such majority, at the next general final election.
- “ 11. In case any Senator or Representative in Congress refuses or fails to comply with such instruction, yet persists in holding his office, the Governor is authorized, in the name of the State and in behalf of the people thereof, to test legally his right to the office; the Attorney General is required to represent the State, in behalf of the people thereof, in all legal proceedings instituted by the Governor for this purpose.

CHAPTER XXII.

POPULAR SANCTION OF LEGISLATIVE ACTS.

PAGE. SECTION.

- 75 1. Provides for the submission of legislative acts to the votes of the electors.
- “ 2. The several counties and municipal corporations, and their several political divisions, shall especially observe the requirements of Section 1, Article V, Constitution of Nevada, as to general legislation, and the declaration of Section 10, Article I, as to the right to instruct their Representatives.
- “ 3. Official estimates to be made of the additional cost, or the saving, of each Act, and published, for information of the electors, with the Act.
- “ 4. Publication of legislative acts.
- 76 5. Submission of legislative acts to the votes of the electors.
- “ 6. When an act has been approved by the votes of a majority of the electors, or of the majority voting, and this is officially ascertained, it becomes an actual and effective law; official proclamation to be made of the results of the votes upon legislative acts.

CHAPTER XXIII.

PRESIDENTIAL ELECTION.

PAGE. SECTION.

- 76 1. Notice of the election of Presidential Electors, and of the votes cast for President and Vice President.
- “ 2. When and where Presidential Electors shall convene; vacancies in the same; how filled.
- 76 3. How votes of Presidential Electors are to be cast; Presidential Electors to be instructed by law to vote for President for the person who received the highest number of votes in the State for that office, and for Vice President for the person who received the highest number of votes in the State for Vice President; provided, both shall not be inhabitants of this State; in case both are inhabitants of this State, the Electors shall exclude one of these persons from their ballots, and the Electors are at liberty to vote for any other qualified person for the office for which the person excluded received the highest number of

votes; separate statements, or lists, as to the votes for President and Vice President to be made, signed and sent to the President of the Senate.

CHAPTER, XXIV.

PUBLIC MEETINGS OF THE ELECTORS—PROVISION FOR PUBLIC ACTION ON SPECIAL OCCASIONS, AND IN UNUSUAL EXIGENCIES.

PAGE. SECTION.

- 77 1. Provides for such meetings; every elector of the precinct, or Registration District, has an equal right to participate, and an equal vote; such meetings may be called:
First—By certain proportional numbers of the electors;
Second—By certain public officers;
Third—By the Secretary of State, or Commissioners of the county.
- “ 2. The objects for which such meetings may be called and held are:
First—Consideration of political principles, public policy and public affairs, and expression of opinion in reference thereto;
Second—All objects stated, or referred to, in Sections 2, Chapter IV, and 1, Chapter V, of this Act; except nominations, displacement and replacement;
Third—Public action as to pending, or immediately necessary legislation, and instruction of Representatives, etc., in reference thereto;
Fourth—Nomination of candidates to be voted for at special elections.
- Such meetings may be convened:
 For the first object—By a call signed by not less than one-tenth in number of the electors, after three to ten days' publication and notice;
 For the second named objects—By a call signed by not less than one fourth in number of the electors; by the Governor, or by the County Commissioners, according to objects and circumstances, on five to twenty days' notice;
 For the third named objects—By a call signed by one fourth or more in number of the electors, or by a Senator or Representative in Congress, or by a State Senator or member of the Assembly, after one to twenty days' notice;
 For the fourth named object—On the calls of the Secretary of State and Commissioners of the county, or on the call of the Commissioners alone, after not less than five days' notice.
- 78 3. In what manner meetings for nominations are called by the Governor and County Commissioners; and meetings for instruction called by Senators and Representatives in Congress, and by State Senators and members of the Assembly; calls by public officers to embrace the whole political division concerned, or the whole State.
- 79 4. The Register, or an Acting Register, to be present with a certified alphabetical list of the electors; method of entrance and identification of electors.
- “ 5. Organization of meetings; Register, or Acting Register, to act as clerk; call to order; reading of call of meeting, and further statement of its objects; rules.
- 80 6. Manner of voting at such meetings.

PAGE. SECTION.

- “ 7. Numbers voting aye and no to be recorded; names to be taken down in certain cases; no decisive important final action to be taken unless a majority of the electors of the precinct, or district, concur therein.
- “ 8. No legally authoritative action to be taken at any meeting at which less than a majority of the electors of the precinct, or district, are present; the whole number of electors, the number present and acting, and the numbers who vote aye and no, on each question, shall be stated distinctly in the official proceedings of each meeting; one copy of such proceedings is to be sent to the County Clerk, one furnished to each newspaper of the vicinity, and one kept in the Registry office.
- 82 9. Abstracts of proceedings to be made by County Clerk, returning County Clerk of a district and the Secretary of State, as the case may require, and published; certificates of instructions voted to be made, and sent to the proper officers.
- 82 10. Public meetings of electors to nominate candidates to be voted for at special elections; how such meetings are to be organized and candidates nominated; returns to be sent to County Clerk.
- “ 11. County Clerk to make abstracts of returns and send to the Clerk of the proper county, if not his own, in case of district officers, or the Secretary of State in case of State officers.
- “ 12. Telegraph may be used to send brief abstracts of returns, when otherwise they cannot be made known in time.
- “ 13. The Register is to appoint a deputy to act as Register, at each public meeting of the electors of his Registration District at which he cannot attend; the Register is to provide for public meetings of the electors called by public officers; the county to pay the expense of such meetings; in other cases, the expenses to be paid by those who call and take part in the meetings.
- 83 14. Joint public meetings of the electors of adjoining Registration Districts.
- “ 15. No special society or party test or subject to be introduced or discussed in public meetings of the electors.

CHAPTER XXV.

OATH AND BOND OF OFFICE.

PAGE. SECTION.

- 83 1. Same as 22, Act relating to officers, etc.
- “ 2. Same as 23, Act relating to officers, etc.
- “ 3. Same as 24, Act relating to officers, etc.
- “ 4. Same as 25, Act relating to officers, etc.
- “ 5. Same as 26, Act relating to officers, etc.
- “ 6. Same as 27, Act relating to officers, etc.
- “ 7. Same as 28, Act relating to officers, etc.

CHAPTER XXVI.

COMMISSIONS AND CERTIFICATES.

PAGE. SECTION.

- 83 1. Same as 29, Act relating to officers, etc.
- “ 2. Same as 30, Act relating to officers, etc.

PAGE. SECTION.

- “ 3. Same as 31, Act relating to officers, etc.
 “ 4. Same as 32, Act relating to officers, etc.

CHAPTER XXVII.

RESIGNATIONS—VACANCIES.

PAGE. SECTION.

- 84 1. Same as 34, Act relating to officers; resignations.
 “ 2. Same as 35, Act relating to officers; resignations.
 “ 3. In what events vacancies occur (changed from old Act.)
 “ 4. Same as 36, Act relating to officers, etc.; vacancies.
 “ 5. Same as 37, Act relating to officers, etc.; vacancies.
 “ 6. Same as 38, Act relating to officers, etc.; vacancies.
 “ 7. Same as 39, Act relating to officers, etc.; vacancies.
 “ 8. Same as 40, Act relating to supplying vacancies.
 “ 9. Same as 41, Act relating to supplying vacancies.
 “ 10. Same as 42, Act relating to supplying vacancies.
 “ 11. Same as 43, Act relating to supplying vacancies.
 “ 12. Same as 44, Act relating to supplying vacancies.
 “ 13. Same as 45, Act relating to supplying vacancies.
 “ 14. Same as 46, Act relating to supplying vacancies.
 “ 15. Same as 47, Act relating to supplying vacancies.
 “ 16. Same as 48, Act relating to supplying vacancies.
 “ 17. Same as 49, Act relating to supplying vacancies.

CHAPTER XXVIII.

CRIMES AND MISDEMEANORS CONNECTED WITH REGISTRATION—INITIAL AND INTERMEDIARY
PUBLIC ACTION AND ELECTIONS—PUNISHMENTS.

PAGE. SECTION.

- 84 1. For rudeness and discourtesy of election officers, and for causing electors undue trouble and expense.
 “ 2. For refusal of an applicant to be sworn and answer; touching his right to register or vote.
 85 3. For offering or accepting a bet, wager, or chance on elections.
 “ 4. For willful neglect, or fraudulent or corrupt conduct of the Secretary of State, Registers and other public officers.
 “ 5. For willful neglect of duties prescribed by this Act; fraudulent acts, etc.
 “ 6. For the use of force, threats, or other corrupt means to control or improperly influence electors in making and returning informations; and for falsehood, deceit, etc., in reference thereto, or making or presenting a false or forged information.
 “ 7. For bribery, or offering to bribe, any officer or member of a caucus political convention, public meeting of the electors, or meeting of the people, or any elector at a primary election, or political gathering of any kind, etc.
 86 8. For entertainment of electors with a view to influence their political action, and for false representation of the character of party or other exclusive meetings.

PAGE. SECTION.

- “ 9. For promising appointments as an inducement for any person to aid the nomination or election of any person or candidate.
- “ 10. For fraudulent registration and voting, false erasures and entries, adding, abstracting, or changing ballots; destroying or carrying away from the Register's office any book, record, or document, or destroying or carrying away any ballot book, receiving box or ballot box, tally sheet or other paper, with wrongful intent, etc.; and for improper interference with electors or election officers.
- 87 11. For attempting to register or vote fraudulently; counseling or assisting the same.
- “ 12. For attempt, by election officers, to open voting envelopes or ballots, for the purpose of finding out the name of any person, or to find out anything voted for, except legally in the performance of his duties; and for the disclosure, except in the same manner, by an officer of elections of the name of any person voted for, or anything voted for by an elector, which became known to such officer in the performance of his legal duties.
- “ 13. To any person who, by force, threats, bribery, deceit, etc., tries to control or influence an elector in voting, or causes him to vote for a different person, purpose or measure, than that for which he intended or desired to vote; or, being an election officer, induces, or attempts to induce, by menace, reward or promise, an elector to vote differently from what he intended or desired to vote; or to any person who attempts to control, or improperly influence an elector or public officer in the exercise of his political and legal rights, or in the performance of such duties by promises of the favor or support, or threats of the disfavor or opposition of any person, coterie, special society, political club, or political party, etc.
- “ 14. For forging registration lists or papers or election returns, or substituting false for true.
- “ 15. To Collectors, and other Receivers of votes, for breach of trust, in the reception, care and delivery of votes, or on the keeping or use of any book, paper, or record connected with his official duties, etc.
- “ 16. For continuing in an office, knowing it to be legally vacant.
- “ 17. For selling or giving away, etc., spirituous, malt or fermented liquors or wines on the day of an election.
- 89 18. Rewards to be offered by the Governor for the arrest and conviction of persons violating the provisions of this Act in regard to registration, informations, elections, etc.

CHAPTER XXIX.

CRIMINAL ACTION FOR MISCONDUCT IN OFFICE.

PAGE. SECTION.

- 89 1. Same as 63, Act relating to elections.
- “ 2. Same as 64, Act relating to elections.
- “ 3. Same as 65, Act relating to elections.
- “ 4. Same as 66, Act relating to elections.
- “ 5. Same as 67, Act relating to elections.
- “ 6. Same as 68, Act relating to elections.

PAGE. SECTION.

- " 7. Same as 69, Act relating to elections.
- " 8. Same as 70, Act relating to elections.
- " 9. Same as 71, Act relating to elections.
- " 10. Same as 72, Act relating to elections.

CHAPTER XXX.

IMPEACHMENT.

PAGE. SECTION.

- 89 1. Same as 73, Act relating to elections.
- " 2. Same as 74, Act relating to elections.
- " 3. Same as 75, Act relating to elections.
- " 4. Same as 76, Act relating to elections.
- " 5. Same as 77, Act relating to elections.
- " 6. Same as 78, Act relating to elections.
- " 7. Same as 79, Act relating to elections.
- " 8. Same as 80, Act relating to elections.
- " 9. Same as 81, Act relating to elections.
- " 10. Same as 82, Act relating to elections.

CHAPTER XXXI.

DISTRIBUTION OF THIS ACT—EXHIBITION OF BALLOTS WITHIN 100 FEET OF THE POLLING PLACES FORBIDDEN—PRESERVATION OF ORDER AT ELECTIONS, ETC.

PAGE. SECTION.

- 89 1. Pamphlet copies of this Act to be furnished by the Secretary of State for each Registration District and voting precinct.
- 90 2. No ticket, ballot, or voting envelope to be opened or exhibited within one hundred feet of the polls.
- " 3. Deputies may be appointed by Sheriffs to serve at election precincts; in default of these Justices may appoint peace officers.

CHAPTER XXXII.

ENCOURAGEMENT OF PRACTICAL IMPROVEMENTS IN THE WORKING OF POPULAR GOVERNMENT—PRIZES AND MEDALS TO BE OFFERED AND AWARDED.

PAGE. SECTION.

- 90 1. Prizes authorized to be given for improvements in the practical working of popular government.
- " 2. The Governor, Chief Justice and Supreme Judges the Committee of Award; public notices to be given; rules to be observed on making awards; testimonial.
- 91 3. Medals to be procured by the Secretary of State at public cost; warrant of State Controller for the amount of gold coin awarded, to be given and handed, or sent, to the person to whom the prize is awarded.

CHAPTER XXXIII.

REPEAL.

PAGE. SECTION.

- " 1. Repeal of "Act Relative to Elections," approved March 12th, 1873.
- " 2. Repeal of Sections 1 to 17, inclusive, 22 to 49, inclusive, and Sections 58, 59 and 60 of "Act Relating to Officers," etc., approved March 9th, 1866.

PAGE. SECTION.

- “ 3. Repeal of “An Act to Provide for Registration,” etc., approved March 5th, 1869.

CONSTITUTIONALITY OF PROPOSED ACT.

Pages 91 to 94, inclusive.

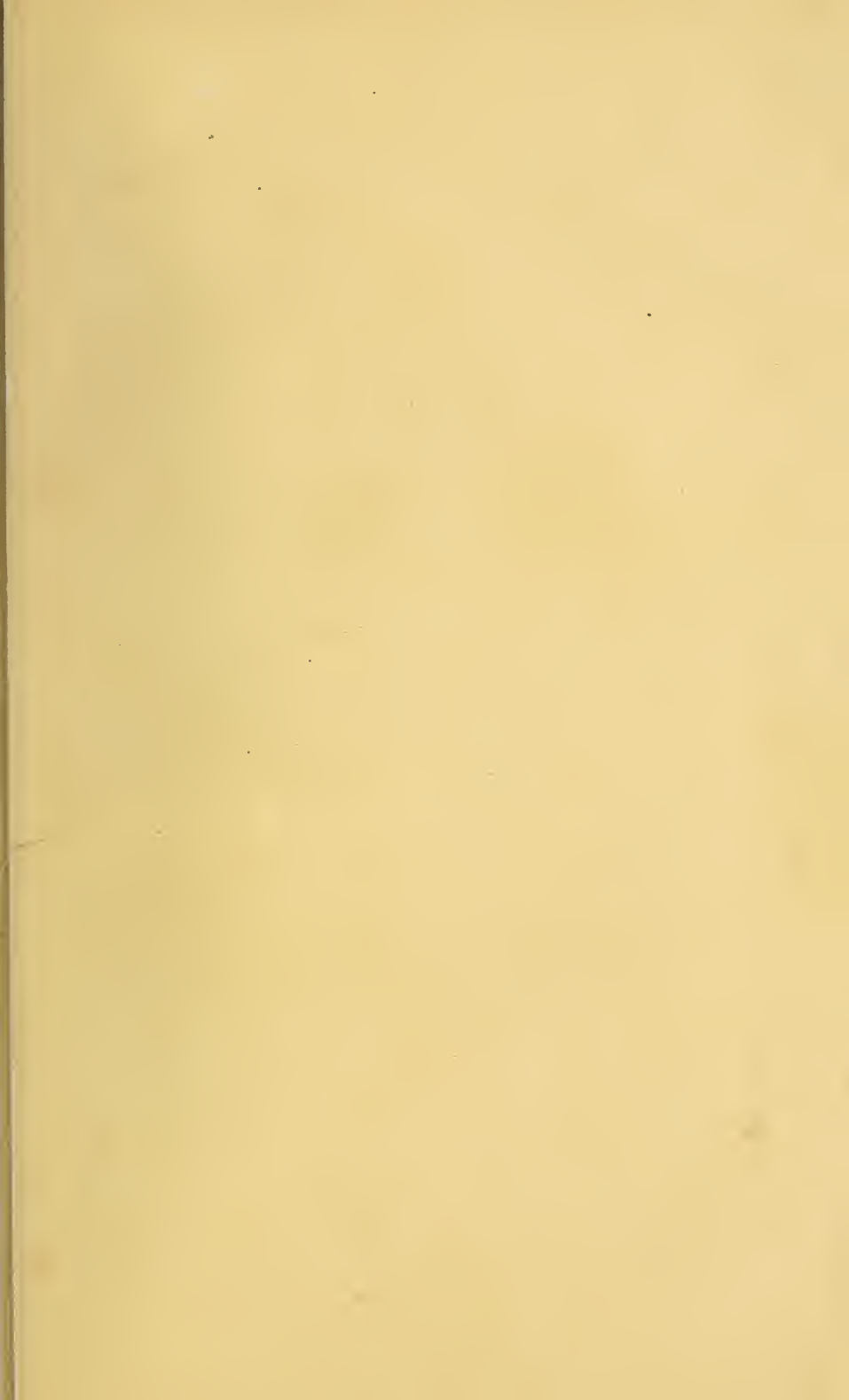
ARTICLE XVIII.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF NEVADA.

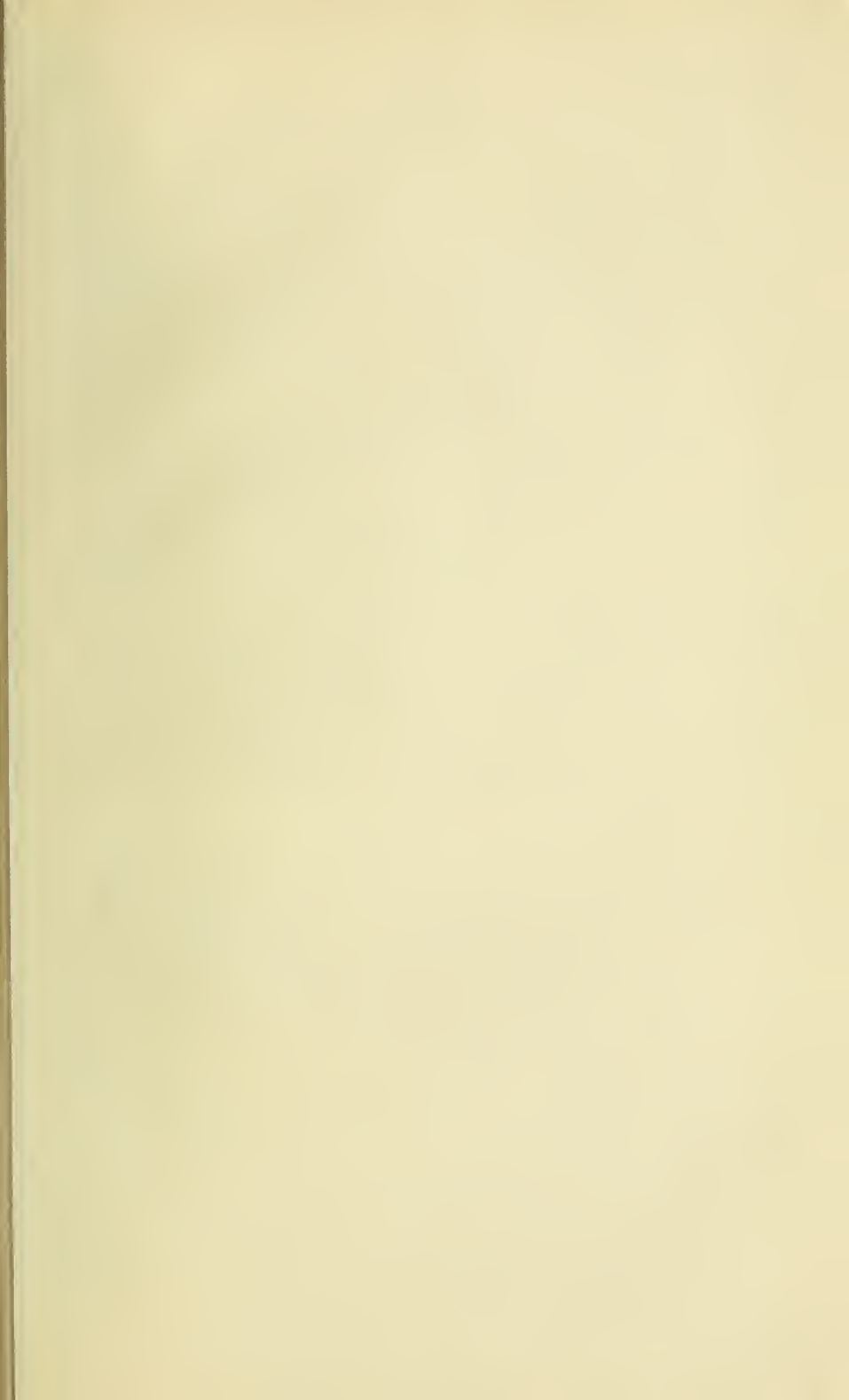
PAGE. SECTION.

- 94 1. The word “election,” in provisions heretofore adopted, to be construed to mean final election.
- “ 2. For gaining information from electors.
- 95 3. Provides for primary elections.
- “ 4. Extent of choice at primary and final elections.
- “ 5. Provides that persons may be chosen to office by three fourths of the electors in their returns of information, and by two thirds of the electors at primary elections.
- “ 6. Provides for the displacement and replacement by electors of elective officers.
- 96 7. Provides for instruction by the electors to the Legislature, and local legislative bodies.
- “ 8. Provides for instruction of individual Senators and members of the Assembly by their constituents.
- 97 9. Provides for popular sanction of legislative acts.
- “ 10. Special legislation within the province of a general law, sanctioned by the votes of the electors, prohibited.
- “ 11. Provides for instruction to Senators and Representatives in Congress.
- 98 12. Provides for recommendation in returns of information and nomination at primary elections of persons for the offices of President and Vice President, and for the instruction of the Presidential Electors chosen by the electors of this State.
- “ 13. Provides for Registration Districts and Registers of election.
- “ 14. Provides for public meetings of the electors.
- “ 15. Amends Section 1, Article II, as to “Right of Suffrage,” so as to read in the first line, “Every citizen of the United States,” etc.

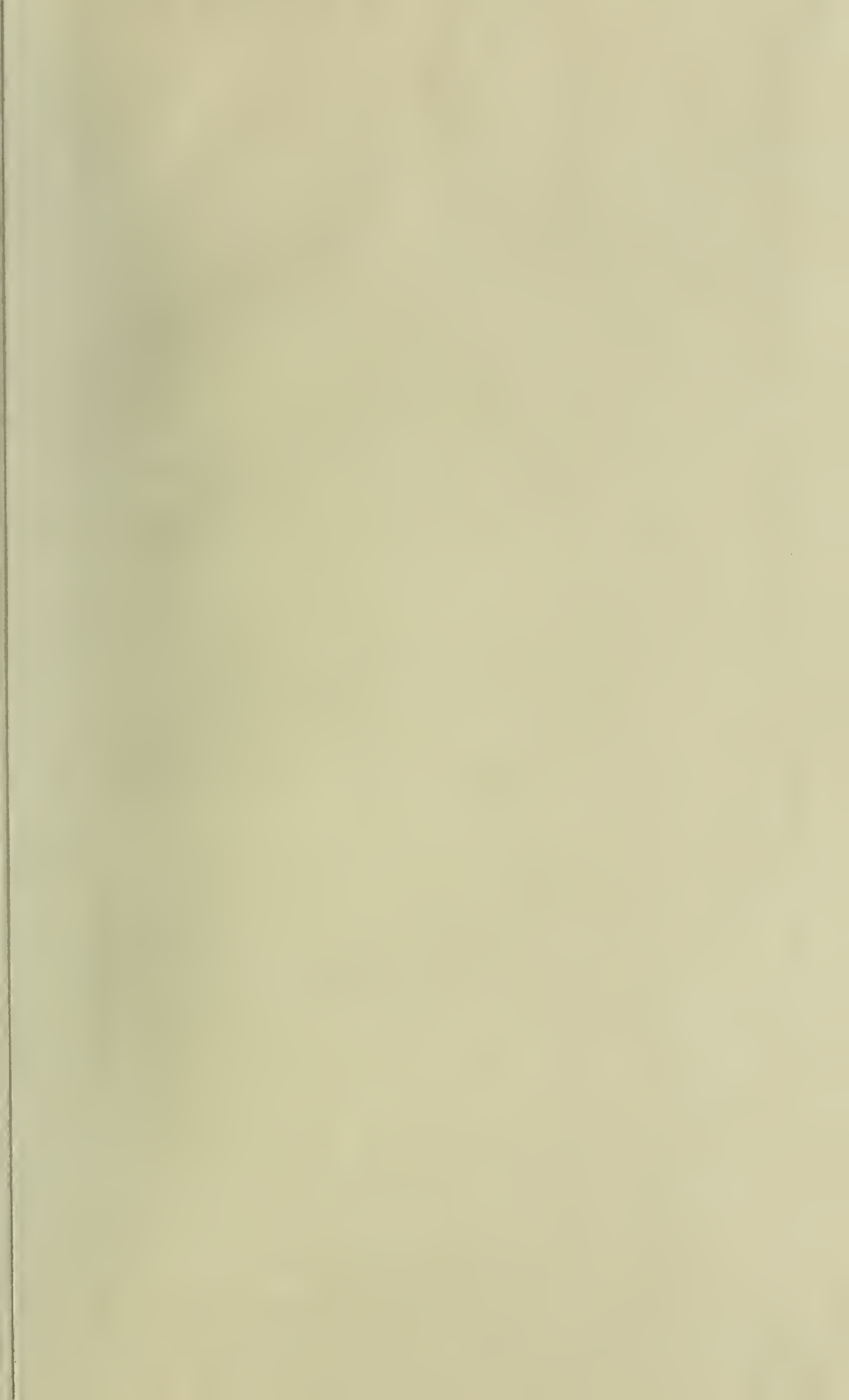




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